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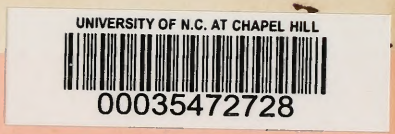
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LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE GENERAL ASSEMBLY,

AT THE SESSION OF 1850-'51.

RALEIGH:
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1851.

Published agreeably to the ninety-fifth Chapter of the Revised Statutes.

LAWS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE GENERAL ASSEMBLY, AT ITS SESSION, WHICH COMMENCED ON MONDAY, THE EIGHTEENTH OF NOVEMBER, ONE THOUSAND, EIGHT HUNDRED AND FIFTY, AND ENDED ON THE TWENTY-NINTH OF JANUARY, ONE THOUSAND, EIGHT HUNDRED AND FIFTY-ONE.

APPEALS.

CHAPTER I.

AN ACT to extend the right of Appeal in certain cases.

SECTION

1. Either party may appeal from Justices' decision to county or superior court on giving security.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That if either of the parties to a trial, before a justice of the peace, shall be dissatisfied with the judgment given thereon, he may appeal, either to the next term of the Court of Pleas and Quarter Sessions of his county or to the next term of the Superior Court, at the option of the party; *Provided,* sufficient security be given as now prescribed by law. Appeal from Justices' decision. Security.

Sec. 2. *Be it further enacted,* That all laws and clauses

of laws, coming in conflict with the provisions of this act, be, and the same are hereby repealed.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER II.

AN ACT to give the benefit of appeal to criminals except in capital cases.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, it shall not be lawful for the Judges of the Superior Courts of this State to refuse reasonable bail after the conviction of the defendant, or to prevent the right of appeal, by refusing such bail, in any criminal case: *Provided*, That this act shall not extend to cases of felony.

[Ratified 24th January, 1851.]

CHAPTER III.

AN ACT to extend the right of Appeal,

SECTION

1. Where there are two or more defendants, either of them may appeal, but judgment to stand against person not joining in appeal.

Sec. 1. *Be it enacted by the General Assembly of the State*

of North-Carolina, and it is hereby enacted by the authority of the same, That when two or more persons are defendants in any action at law, before a justice of the peace, or in the County or Superior Court of this State, either one or more of said parties, defendants, may appeal from the judgment rendered in said action, under the rules of law which now govern appeals in other cases: *Provided,* That said appeal shall not vacate the judgment against those defendants who refuse or fail to join therein, and execution may issue against said defendant or defendants who so refuse or fail to join in said appeal; and any satisfaction had on said execution, shall be a payment or discharge of so much of the claim or cause of action against the said defendant or defendants so appealing, which they may plead, at any time before final judgment, so that said payment or discharge shall not affect the costs of said appeal.

Either defendant may appeal.

Proviso.

[Ratified 28th January, 1851.]

ASYLUMS.

CHAPTER IV.

AN ACT in addition to an act passed at the session of 1848–'49, entitled "An Act to provide more effectually for the education of Deaf Mutes within this State."

SECTION
1. Provides for private pupils.

SEC. 1. *Be it enacted by the General Assembly of the State of*

North-Carolina, and it is hereby enacted by the authority of the same, That it shall be the duty of the Superintendent of the Deaf and Dumb Institute in this State, by and with the advice and consent of the Board of Directors thereof, to receive private pupils, residents of this State, in the said Institution, on the same terms and under the same rules and regulations, as pupils sent by the several counties in this State are now received: *Provided, however,* That the parents or guardians of any such private pay pupils shall, at their discretion, be allowed to furnish clothing of every description for such pupils themselves; and in that case, no charge shall be made for the same by the Superintendent of said Institute: *Provided,* That the pay of private pay pupils for board and tuition shall not exceed thirteen dollars per month, payable semi-annually in advance.

Private pupils provided for.

Proviso.

Proviso.

Sec. 2. *Be it further enacted,* That this act shall take effect and be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER V.

AN ACT to amend an act passed at the session of 1848–9, entitled "An Act to establish a Board of Directors for the Deaf and Dumb Institute in this State."

SECTION

1. Provides for filling vacancies in the Board of Directors by the Governor.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That in case of any vacancy occurring in the

Board of Directors of the Deaf and Dumb Institute in this State, by death, removal or resignation of said Directors, in part or in whole, it shall be the duty of the Governor of the State for the time being, to fill the same, subject to the approval of the ensuing Legislature; and it shall be the duty of the Secretary of the Board, upon the occurrence of any vacancy therein, immediately to inform the Governor thereof. Vacancies, how filled.

Sec. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 28th January, 1851.]

ATTACHMENTS.

CHAPTER VI.

AN ACT concerning Original Attachments.

SECTION
1. Clerks of County and Superior Courts authorised to issue original attachments.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter it shall be lawful for clerks of the County and Superior Courts in this State to issue original attachments, returnable to their respective courts, and to take bonds and to administer oaths in cases of such attachments, under the same rules, regulations and restrictions as are provided by law, concerning original attachments, issued by justices of the peace, and returnable to the County or Su- Clerks may issue original attachments, &c

perior Courts: *Provided*, That nothing contained in this section shall prevent justices of the peace from issuing original attachments as they are now authorized to do by law.

Fees.

Sec. 2. *Be it further enacted*, That the clerk who may issue an original attachment shall be allowed for such service the same fees as are now allowed by law in suits commencing by writ.

[Ratified 28th December, 1850.]

BANKS.

CHAPTER VII.

AN ACT to increase the capital of the Bank of Cape-Fear.

SECTION.

1. Increases the capital of the bank five thousand shares.
2. Stockholders may be convened to ascertain if they desire an increase.
3d, 4th and 5th relate to opening books, a branch in Greensboro', and giving notice to the Governor.

Amount of increase.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the act entitled "an act to recharter the Bank of Cape Fear," passed by the General Assembly at the session of 1833 and 1834, and which was amended by the act of 1835 and 1836, be, and the same is so amended as to increase the capital stock of said Bank five thousand shares.

Sec. 2. *Be it further enacted*, That the President and

Directors of the Bank of Cape Fear may convene the stockholders at any time before the first day of July next, for the purpose of ascertaining whether they desire to increase the capital stock of said bank; and in case they determine to increase the capital stock, there shall be added five thousand shares, of one hundred dollars each, to the capital stock of said company, so as to make the capital stock of said company two millions of dollars.

Stockholders when and how convened.

Sec. 3. *Be it further enacted*, That if the stockholders shall assent to the increase of the capital stock of said company, the President and Directors of said company shall, in one month after the acceptance of the amended charter, open books of subscription, under the direction of two or more commissioners to be by them designated, at the city of Raleigh and in the towns of Wilmington, Fayetteville, Newbern, Edenton, Hillsboro, Salem, Salisbury, Charlotte, Elizabeth City, Halifax, Tarboro', Lincolnton, Morganton, Washington, Wadesboro', Wilkesboro', Greensboro' Rutherfordton, Oxford and Asheville; and the same to keep open for subscription ten days; and if it shall happen, when the books shall be opened as aforesaid, that more than five thousand shares of stock shall be subscribed for, it shall be competent for the President and Directors to reduce the shares so subscribed, by a scale by them to be adopted, so as to make the number of shares five thousand: *provided*, that if the whole number of five thousand shares shall not be subscribed in the ten days allowed for that purpose, the President and Directors may and shall have power, from time to time to re-open books, at such times and places, and under such commissioners as they shall appoint, to receive additional subscriptions of stock, until the whole amount is subscribed.

Books, when and where opened.

Shares scaled.

Proviso.

Sec. 4. *Be it further enacted*, That it shall be incumbent on the said Bank to establish a branch in the town of Greensboro' within six months.

Branch shall be established in Greensb'ro

Notice of acc'ptance to be given to Governor.

Sec. 5. *Be it further enacted*, That the President of said Bank shall give notice to the Governor of the acceptance by the stockholders, of the amended charter, within thirty days of the decision of the company.

[Ratified 2 th January, 1851.]

CHAPTER VIII.

AN ACT to incorporate a Bank in the town of Washington, in the county of Beaufort.

SECTION

1 Capital stock not to exceed 400,000 dollars; and books of subscription to be opened 1st Feb. 1851.

2nd and 3rd provide how shares shall be paid, and what amount, before bank can go into operation.

4th and 5th provide for reducing subscriptions, continuing open books, calling general meeting, and electing directors.

6th and 7th prescribe fundamental rules, and restrict the bank in trade.

8th, 9th and 10th allow 6 per cent. on loans, make bills assignable and binding, and require 12½ per cent. on notes not redeemed on demand.

11th, 12th and 13th provide for dividends, bind individual stockholders, and provide for branch at Greenville.

14th. Public Treasurer to be furnished with statement once in 6 months.

15th Prescribes penalty for forgery, &c.

16th Taxes bank 25 cents each share.

17th and 18th Prescribe penalties for false returns and embezzlement.

19th, 20th and 21st relate to forfeiture of charter, keeping proceedings, and denomination of notes.

Section 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a Bank shall be established in the town

of Washington, the capital stock of which shall not exceed four hundred thousand dollars, divided into shares of one hundred dollars each; and for the purpose of receiving subscriptions for said stock, books shall be opened on the first day of February, one thousand, eight hundred and fifty-one, or within ten days after the ratification hereof, and remain open for the space of sixty days, at Washington, under the superintendence of James E. Hoyt, Frederic Grist, B. F. Hanks, Jacob Van Derveer, E. J. Warren, Isaiah Respess, R. S. Donnell, Allen Grist, S. P. Allen, Geo. Houston, Geo. H. Brown, H. A. Ellison and W. H. Willard, or a majority of them; at Greenville, under the superintendence of Thos. Hanrahan, Charles Green, Goold Hoyt, Edward H. Goelet and William K. Delany, or a majority of them; and, at the same time, at such other places, and under the superintendence of such other persons, as may be designated by the commissioners appointed to receive subscriptions at Washington. Capital stock. Books to be op'n'd.

Sec. 2. *Be it further enacted*, That one fifth of such shares shall be paid in gold or silver or their equivalent, to the commissioners above named, or those appointed by them, at the time of subscribing; that another fifth shall be paid within sixty days thereafter; that another fifth shall be paid within one hundred and twenty days thereafter; that another fifth shall be paid within three months after the time appointed for paying the third instalment; and the remaining fifth shall be paid within three months after the time of paying the fourth instalment; and if any subscriber shall fail to pay any instalment at the time stipulated, he shall pay interest thereon at the rate of six per cent. per annum, and his stock shall be forfeited, and may be sold by the Bank, and the proceeds applied to the payment of the aforesaid deficient instalment, and he shall be held responsible for the same at the option of the Bank; and the remainder, if any, of such sale to be paid over to the subscriber: *Provided*, That after the Shares, how paid.

Proviso. Bank shall have been organized, as hereinafter provided, the remaining unpaid instalments shall be paid to the directors, or to their agents; and it shall be lawful for any subscriber to pay the whole of his subscription, or any greater part than is hereby required, before the time limited for the same; and every subscriber so paying in advance, shall have a discount at the rate of six per cent. per annum on such advance, computing the same from the time when payment is made, to the time when it is required to be made.

When 500 shares subscrib'd to be organized.

Sec. 3. *Be it further enacted*, That when five hundred shares are subscribed, and the sum of twenty-five thousand dollars is actually paid to the commissioners aforesaid, the subscribers to the said bank, their successors and assignees, shall be, and are hereby created, a body politic, in law and in fact, by the name and style of the Bank of Washington; and shall so continue until the first day of January, one thousand, eight hundred and seventy-seven; and by the name and style aforesaid, they shall be and are hereby made able and capable in law, to have, purchase, receive, possess, enjoy and retain to themselves and successors, lands, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, demise, alien and dispose of; to sue and to be sued; implead and be impleaded; answer and be answered; defend and be defended, in courts of record or in any place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew, at their pleasure; and also to ordain, establish, and put into execution, such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation; and, for the making whereof, general meetings of the stockholders may be called in the manner hereinafter specified; and generally to do and execute all acts, matters and things which a corporation and body politic in law may or can lawfully execute, and be subject to the rules, regulations, restrictions and provisions hereinafter prescribed and declared.

Subscriptions may be scaled.

SEC. 4. *Be it further enacted*, That if it shall happen, when the books shall be opened as aforesaid, that a greater sum than four hundred thousand dollars shall be subscribed by individuals, or by bodies corporate, it shall be lawful for the commissioners to reduce such subscriptions, according to a scale to be by them established for that purpose, to the aforesaid amount of four hundred thousand dollars; *provided*, that no subscription of two shares or under shall be scaled, until all larger subscriptions shall first be reduced to an equality with them; and if five hundred shares shall not be subscribed within the sixty days aforesaid, the commissioners may keep open the books of subscription twelve months longer, unless the same be sooner subscribed; and the directors, elected as hereinafter prescribed, shall be allowed to keep open the subscription books, until the whole of the stock shall be taken, and open and close the same previous thereto, at their discretion. The commissioners appointed to receive subscriptions at Greenville, and those who shall be appointed as herein prescribed, at other places, shall pay over to the commissioners appointed herein to receive subscriptions at Washington, all monies paid to them on stock subscriptions, immediately after receiving the same.

Books may be kept open.

Appointment of directors.

SEC. 5. *Be it further enacted*, That as soon as five hundred shares shall be taken in the stock of said bank, and twenty-five thousand dollars paid to the commissioners who keep the books, notice shall be given in the Gazette published in Washington, (or in some other public manner) and a meeting of the subscribers, to be held ten days at least after the date of the notice, shall be called. If at this meeting, those or their agents who have a majority of votes, according to the rates hereinafter described, be present, (if not, another meeting shall be called,) they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to put the bank in operation. The said directors shall remain in office until the time

which shall be prescribed in the by-laws of the said corporation for the annual meeting of the stockholders, or until their successors shall be appointed; and at the time which shall be prescribed as aforesaid in each year, or at any time thereafter, meetings of the stockholders shall be held in the town of Washington, for the purpose of electing directors, inquiring into the affairs of the institution, and making such regulations as may be deemed fit and neeessrry.

Fundamental rules.

Sec. 6. *Be it further enacted*, That the following rules, regulations and provisions, shall form and be the fundamental articles of the eonstitution of the eorporation. A meeting of the stockholders cannot be held, unless those who have a majority of the whole number of votes be present, and every aet shall require the sanetion of the majority of the votes which may be present; every stockholder holding one share and not more than two, shall be entitled to one vote; for every two shares above two, and not exceeding ten, one vote; for every three shares above ten, and not exceeding forty, one vote; for every six shares above forty and not exceeding one hundred, one vote; for every ten shares above one hundred and not exceeding two hundred, one vote; for every twenty shares above two hundred, one vote. After the first meeting, no share or shares shall confer a right of voting which shall not have been holden three ealendar months previous to the day of voting. Stockholders may vote at general meetings and elections by proxy, the proxy himself being a stockholder. None but a stockholder, who is a citizen of the State, shall be eligible as a director; and the stockholders shall appoint, annually, seven directors to manage the bank, and, when appointed, they shall choose one of their number to be president of the bank, and shall manage the institution as shall seem best, unless otherwise directed by the stockholders. Not less than three directors, of whom the president shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may, by

writing, nominate any other director to supply his place. If a vacancy in the directory shall occur, by death, resignation or otherwise, the remaining directors shall fill such vacancy until the succeeding annual meeting of the stockholders. A number of stockholders, not less than ten, who together shall be owners of three hundered shares or upwards, shall have power, at any time, to call a general meeting of the stockholders, for purposes relative to the institution, giving at least twenty days notice in a public gazette, and specifying the object or objects of such meeting: the directors shall annually elect such officers as may be deemed necessary to perform the business of the bank and its branch or agency, and may remove them or either of them at pleasure; those officers shall be required to give bonds, with two or more securities, in sums of not less than ten thousand dollars, with a condition for good behavior and faithful performance of duty; they shall be allowed by the directors such compensation for their services as shall be reasonable; but compensation to the president and directors shall be granted at the pleasure of the stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf by the laws and ordinances of the same.

In what bank may trade.

Sec. 7. *Be it further enacted*, That the said corporation shall neither directly nor indirectly trade in any thing except bills of exchange; promissory notes and bonds, expressing on the face of them to be negotiable and payable at said bank, or its branch or agency; gold or silver bullion; or in the sale of goods really and truly pledged for money lent, and not redeemed in due time, or in goods which shall be the produce of its lands; or in mint certificates, or in the public debts of the United States; *provided*, the investment in such stock shall not exceed one half of the capital stock of this bank. The said corporation shall purchase and hold only such lands, tenements, rents and hereditaments as shall

be required for the convenient transaction of its business, or shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sale upon judgments which shall have been obtained for such debts.

Per cent. allowed.

Sec. 8. *Be it further enacted*, That the said corporation shall not take more than six per cent. per annum for or upon its loans and discounts, which interest may be received in advance at the time of discount, and the said bank shall, at no time, have in circulation more than twice the amount of its capital actually paid in.

Bills assignable and binding.

Sec. 9. *Be it further enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property therein, in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their name or names. And bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, in the like manner, and with the like force and effect, as upon any private person or persons; that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by endorsement in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer, shall be negotiable and assignable by delivery only.

X. Be *it further enacted*, That if any person or persons holding any note or notes of said bank shall present the same

for payment, and payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum from the time of said demand, and the said bank shall pay the same, any law to the contrary, notwithstanding; and the holder of said note or notes of said bank, not paid on demand, may bring an action of assumpsit against one or all of the directors who may have consented to issue more than twice the capital stock paid in, in case the bank be unable to pay the amount. 12 per cent. if payment refused.

Sec. 11. *Be it further enacted*, That the directors of said bank may declare semi-annual dividends of the profits thereof, *provided*, that no dividend shall be declared until the whole amount of stock subscribed shall be paid in gold or silver, or their equivalent; and if, at any time, more than the real profits are divided, the directors assenting thereto shall be responsible, in their private capacities, to creditors who have claims against the said institution. Dividends

Sec. 12. *Be it further enacted*, That in case of any insolvency of the bank hereby created, or ultimate inability on the part of this corporation to pay, the individual stockholders shall be liable to creditors in sums double the amount of stock by them respectively held in said corporation. Bind individual stockh'lders.

Sec. 13. *Be it further enacted*, That whenever one thousand shares of the stock of the said bank shall have been subscribed, and the sum of eighty thousand dollars shall have been paid in specie, or its equivalent, the directors of said bank shall have authority to establish and continue, at their discretion, a bank, or agency thereof, at Greenville, in the county of Pitt, and annually to appoint directors or an agent to manage the same, under the rules and regulations that may be prescribed by the directors of the principal bank. Branch at Greenville.

Sec. 14. *Be it further enacted*, That the officer at the head of the Treasury Department of the State, shall be furnished, once in six months, with a statement of the amount of the capital stock of said corporation, and the debts due the Statem'nt to be furnished.

same; of the monies deposited therein; of the notes in circulation; and of the cash on hand; and shall have a right to inspect such general accounts, in the books of the bank, as shall relate to the said statement: *Provided*, That this shall not be construed to a right of inspecting the accounts of any private individual with the bank, except the directors; and shall also be furnished, once in twelve months, with the names of the stockholders: And it shall be the duty of the president of the bank, in the first week in December, in each and every year, to transmit to the General Assembly a full statement of the condition of the bank, exhibiting the amount of capital, notes in circulation, debts due to other banks, and to what banks, deposites, and all other particulars necessary to explain the debit side of the account; also, the specie on hand; notes of other banks, and what banks; bills of exchange, debts or bonds, and notes discounted, specifying in one item the amount due from stockholders, and in another, the amount due from directors, not, however, using any person's name, in either case; and the real estate.

Penalty for forgery.

Sec. 15. *Be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note, issued by order of the president and directors of the Bank of Washington, or any order or check on said bank or corporation, or any cashier thereof; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note, issued by order of the said corporation, or any order or check on said bank or any cashier thereof; or shall pass, or receive with intent to pass, utter or publish as true, any false, forged or counterfeited bill or note, purporting to be a bill or note issued by order of said corporation; or any false, forged or counterfeited check or order upon the said bank, or any cashier thereof, knowing the same to be falsely forged or counterfeit-

ed; or shall pass, or receive with intent to pass, or publish, as true, any falsely altered check or order on said bank, or any cashier thereof, or any falsely altered bill or note, issued by order of said bank, knowing the same to be falsely altered, with intent to defraud the said corporation, or any other body politic, or person or persons; every such person shall be deemed guilty of felony, and being thereof convicted by due course of law, shall be imprisoned, not exceeding ten years, and fined not exceeding five thousand dollars.

Tax.

Sec. 16. *Be it further enacted*, That the President or cashier of said bank shall annually pay into the treasury of the State, twenty-five cents on each share of said capital stock, which may have been subscribed for and paid in: and the first payment of said tax shall be made twelve months after said bank shall have commenced operations.

False return, penalty for.

Sec. 17. *Be it further enacted*, That if any president, cashier, clerk or other officer of the aforesaid bank or its branch or agency, shall knowingly, willingly, and with intent to deceive, make, or cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, its branch or agency, either to the Treasurer of the State, to the Legislature, or to the board of directors, to the principal bank or its branch or agency, or to the stockholders, or to any other person or persons that may be authorised by the Legislature, or by the stockholders, to receive the same, such president, director, cashier, clerk or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for a misdemeanor, in the Superior Courts, and upon conviction, shall be fined at the discretion of the court, and imprisoned not exceeding one year.

Embezzlement, penalty for.

Sec. 18. *Be it further enacted*, That if a director or any other officer, agent or servant of said corporation, shall embezzle any of the funds belonging to said bank, with the intent to defraud said corporation, or make false entries upon the books of said bank, with intent to defraud said corpora-

tion, or any other person whatsoever; said officer, agent or servant, shall be held and deemed guilty of felony, and upon conviction thereof, by due course of law, shall be punished by fine at the discretion of the court, and imprisoned not exceeding five years.

Forfeiture of charter.

Sec. 19. *Be it further enacted*, That whenever the Legislature may be of opinion that the charter of the corporation hereby granted, shall have been violated, it may be lawful, by joint resolution, to direct the Attorney General, with such assistant counsel as the Governor or Legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the Judges of the Supreme Court, calling upon said corporation to shew cause why the charter hereby granted shall not be forfeited, subject to the same proceedings as are now prescribed by law, in cases of other corporations.

Cashier to keep proceedings.

Sec. 20. *Be it further enacted*, That the cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the day and date of each meeting, and shall record the yeas and nays on any question, when asked for by any director. This book shall be evidence in courts of justice; and on entering on the discharge of his duties, the cashier shall take the following oath before some justice of the peace, by whom it shall be returned to the office of the clerk of the county court: "I, A. B., do solemnly swear to keep a just and true record, without alterations or erasures, of the transactions of the board of directors of the Bank of Washington, in a book kept by me for that purpose."

Denomination of notes.

Sec. 21. *Be it further enacted*, That nothing herein contained shall authorise the corporation hereby created to issue any note, for a sum less than three dollars; but all such issues, for a less sum than three dollars, shall be unlawful, and shall subject the parties issuing them to all the penalties already provided by law.

Sec. 22. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 22d January, 1851.]

CHAPTER IX.

AN ACT to amend an act, entitled "An Act to establish the Commercial Bank of Wilmington."

SECTION

1. Authorises the addition of 500 shares to the capital stock of the Bank.

WHEREAS by the provisions of an act, passed and ratified the 18th day of January, one thousand eight hundred and forty seven, entitled "An Act to establish the Commercial Bank of Wilmington," it is provided that the capital stock of said Bank shall not exceed three hundred thousand: and whereas upon books being opened in November last, for the unsubscribed balance of said stock which amounted to one hundred and seventeen thousand seven hundred dollars, it was ascertained, upon the closing of said books, that the number of shares for which subscriptions had been made amounted to one hundred and sixty seven thousand seven hundred dollars, so as to render it necessary that the said capital stock should be increased fifty thousand dollars in order to embrace the whole amount of the said subscriptions; and whereas it is deemed expedient that the capital stock of the said bank should be increased, so as to make the entire amount thereof three hundred and fifty thousand dollars: Therefore, Preamble.

SEC. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the President and Directors of the Commercial Bank of Wilmington shall be, and they are hereby authorized to add to the capital stock of the said Bank five hundred shares, of one hundred dollars each, whenever the stockholders convened in general meeting shall express their acceptance and approval of said addition. No. of shares to be added.

[Ratified 28th January, 1851.]

CHAPTER X.

AN ACT to amend "An Act to establish the Bank of Fayetteville," passed at the last session of the General Assembly.

SECTION

1. Provides that the Bank shall not issue notes under $3.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the corporation created and established by the above recited act, to issue notes of the denomination of three dollars, but no note shall be issued by the said Bank for a smaller sum than three dollars.

No notes under $3 to be issued.

Sec. 2. *Be it further enacted,* That this act shall take effect and be in force immediately after the stockholders of the said bank, in general meeting, agree thereto, and signify their assent to its provisions, by writing duly authenticated and deposited in the office of the Secretary of State of this State.

When to take effect.

[Ratified 27th January, 1851.]

CHAPTER XI.

AN ACT to re-charter the Merchants' Bank of New Bern.

SECTION

1. Corporate existence extended to 1st Jan. 1880, with corporate powers.
2nd & 3rd, provide for general meetings, and prescribe fundamental articles.
4. No notes under $3 to be issued, 12 per cent. required, if payment is refused on demand.
5. Provides for re-opening books for increase of stock.
6th & 7th provide penalties for embezzlement and forgery.
8th, 9th & 10th, Tax, dividends and statements.
11th & 12th, penalties for false returns and violations of charter.

Preamble. WHEREAS, by the provisions of an act, passed in the year of our Lord one thousand eight hundred and thirty four, entitled "an act to establish the Merchants' Bank of the town of New Bern," the subscribers to the stock of said Bank were incorporated under the name and style of the "President and Directors of the Merchants' Bank of New Bern," and the existence of said corporation limited to the first day of January, in the year of our Lord one thousand eight hundred and fifty five: AND WHEREAS, it is expedient now to continue the corporate privileges of the said bank for a further term:

Corporate existence how long. Sec. 1. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the stockholders in the said bank, their successors and assigns, shall be and continue a body corporate, in law and in fact, under the name and style of "the President and Directors of the Merchants' Bank of New Bern," until the first day of January, one thousand eight hundred and eighty, with a capital stock not exceeding three hundred thousand dollars, in shares of one hundred dollars each; and by the name and style aforesaid, they shall be, and are hereby made able and capable, in law, to have, purchase, receive, possess, enjoy and retain, to themselves and successors, lands, tenements, rents, hereditaments, goods, chat-

tels, and effects; and the same to grant, demise, alien or dispose of; to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever; and also to make, have and use a common seal, and the same to break, alter or renew at their pleasure; and also to ordain, establish and put in execution, such by-laws, ordinances, and regulations, as shall seem necessary and convenient for the government of said corporation, (for the making whereof general meetings of the stockholders may be called in the manner hereinafter specified,) and generally to do and execute all acts, matters and things which a body politic in law may or can lawfully do or execute, subject to the rules, regulations, and restrictions hereinafter provided and declared.

General meetings.

Sec. 2. *Be it further enacted*, That annual general meetings of the stockholders shall be held in the town of New Bern, as heretofore, on the first Monday in December, in each and every year, (or at any time thereafter,) for the purpose of electing directors, enquiring into the affairs of the institution, and making such regulations as may be deemed fit and necessary; and the said directors shall continue in office until the first Monday of December next ensuing their appointment, or until their successors shall be elected.

Fundamental articles.

Sec. 3. *And be it further enacted*, That the following rules, restrictions and provisions shall form and be the fundamental articles of the constitution of said corporation: A meeting of the stockholders cannot be held, unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of a majority of the votes which may be present. Every stockholder holding one share and not more than two, shall be entitled to one vote; for every two shares above two and not exceeding ten, one vote; for every three shares above ten and not exceeding one hundred, one vote; for every four shares above one hundred, one vote. No share or shares shall confer a right of voting

which shall not have been holden three calendar months previous to the day of voting. Stockholders may vote at general meetings and elections, by proxy, (the proxy himself being a stockholder.) None but a stockholder, who is a citizen of the State, shall be eligible as a director; and the directors, when appointed, shall choose one of their number (which shall always be nine) to be president of said bank; and they shall manage the institution as shall seem best to them, unless otherwise directed by the stockholders; but no compensation shall be granted to the president or directors, except at the pleasure of the stockholders. Not less than five directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or absence, when he may, by writing, nominate any other director to supply his place. A number of stockholders, not less than ten, who together shall be the owners of one hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least twenty days notice in a public gazette, and specifying the object or objects of such meeting. The directors shall annually elect a cashier and such other officers as may be necessary to perform the business of the bank. These officers shall be required to give bonds, with two or more sureties, in sums not less than ten thousand dollars, with a condition for good behaviour and faithful discharge of duty. The cashier shall keep a book to contain the proceedings of the board of directors, the names of those present, the date of each meeting, and shall record the yeas and nays on any question when asked for by a director. This book shall be evidence in Courts of Justice against said bank; and on entering upon the discharge of his duties, the cashier shall take the following oath or affirmation before some justice of the peace, by whom it shall be deposited in the office of the clerk of the county court for Craven county, viz. "I, A. B., do solemnly

swear (or affirm as the case may be,) to keep a just and true record, without alteration or erasure, of the transactions of the board of directors of the Merchants' Bank of New Bern, in a book to be kept by me for that purpose." In all cases, in addition to the usual personal security, the stock of directors shall be considered as a pledge for the repayment of the money which they may borrow, whether as principal or surety. The said corporation shall purchase and hold only such lands, tenements, rents and hereditaments, as shall be requisite for the convenient transaction of its business, or such as shall have been mortgaged, *bona fide*, to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. The said corporation shall neither directly nor indirectly trade in any thing except bills of exchange, bonds and promissory notes, expressing on the face of them to be negotiable and payable at said bank, gold and silver bullion, in the sale of goods truly pledged for money lent and not redeemed in time, or the sale of goods which shall be the produce of its lands, in mint certificates, in the public debts of the United States and of the several States (including North Carolina) whether such debts be now in existence or be hereafter created. The said corporation shall not take more than at the rate of six per centum per annum for or upon its loans and discounts, which interest may be taken in advance at the time of the discount. The total amount of the debts which the said corporation shall at any time owe, shall not exceed twice the amount of the stock actually paid in, over and above the sum then deposited in the bank for safe keeping. If this or any other provision herein contained be violated, the director knowingly and wittingly assenting to such violation, shall be deemed guilty of a misdemeanor, and, upon conviction in the Superior Court, shall be fined or imprisoned or both, at the discretion of the Court. If a va-

cancy in the directory shall occur by death, resignation, or otherwise, the remaining directors shall fill such vacancy until the succeeding meeting of the stockholders. The stock of said corporation shall be assignable and transferable, according to the rules which shall be instituted in that behalf by the laws and ordinances of the same. The officer at the head of the treasury department of the State shall be furnished once in six months with a statement of the amount of the capital stock of said corporation and of the debts due to the same; of the moneys deposited therein; of the notes in circulation; and of the cash in hand; and once in every year with a full list of the stockholders of said bank; and shall have a right to inspect such general accounts in the books of the bank as shall relate to the said statement; *provided* that this shall not be construed into a right of inspecting the accounts of any private individual with the bank, except of the directors. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, or of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property therein, in each and every assignee or assignees successively, and so as to enable such assignee or assignees to bring and maintain an action thereupon, in his, her or their own name or names. And bills or notes which may be issued by order of the said corporation, signed by the President and countersigned by the Cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, in the like manner, and with the like force and effect, as upon any private person or persons, that is to say: those which shall be payable to any person or persons, his, her or their order, shall be assignable, by endorsement, in like manner and with like effect as foreign bills of exchange now

are, and those which are payable to bearer, shall be negotiable and assignable by delivery only.

Notes not less than $3 to issue.

Sec. 4. *Be it further enacted*, That no note shall be issued by said bank under the denomination of three dollars; and if any person or persons holding any note or notes of said bank, shall present the same for payment and the payment shall be refused, the said note or notes shall draw interest at the rate of twelve per centum per annum, from the time of said demand, and the said bank shall pay the same, any law to the contrary notwithstanding; and the holder of the notes of said bank, if they are not paid on demand, and the bank be unable to pay the same, may bring an action of assumpsit against one or all the directors and recover the amount, provided said director or directors shall have at any time consented to issue more than twice the sum of the capital stock paid in. And in case of insolvency or ultimate inability of the corporation to pay, the individual stockholders shall be liable to creditors in sums double the amounts of stock by them respectively held in said corporation.

12 per cent. if not redeemed.

Preamble

And Whereas, the capital stock created in the charter of the Merchants' Bank of New Bern, enacted as aforesaid in one thousand eight hundred and thirty four, was never fully subscribed for and taken, but the books were closed with a capital of two thousand two hundred and fifty shares; And Whereas, some douht is entertained whether, when once closed, the stockholders possess the power to re-open the books without an amendment of their charter:

Increase of capital.

Sec. 5. *Be it therefore further enacted*, That the stockholders of the bank shall, in their discretion, have power to re-open said books, at such time and place, and under the superintendence of such persons, as they may deem best, and keep the same open until the whole or a part only of said capital stock now remaining unsubscribed for shall be taken; and if a part only, then to re-open in their discretion until

the entire stock of three thousand shares shall be fully taken and subscribed for. And if it shall happen when the books shall be re-opened as aforesaid, that a greater number of shares than is necessary to make up the deficiency, viz: seven hundred and fifty, shall be subscribed by individuals or bodies corporate, it shall be lawful for the stockholders to reduce such subscriptions according to a scale by them to be established for that purpose to the aforesaid number of seven hundred and fifty: *provided* that no subscription of five shares or under, shall be scaled until all larger subscriptions shall first be reduced to an equality with them.

Embezzlement, penalty for.

Sec. 6. *Be it further enacted*, That if a director or any other officer, agent or servant of said corporation shall embezzle any of the funds belonging to said bank, with the intent to defraud said corporation, or any other person whatsoever, said officer, agent or servant shall be held and deemed guilty of felony, and upon conviction thereof by due course of law, shall be punished by fine at the discretion of the Court, and imprisonment not exceeding five years.

Forgery, penalty for.

Sec. 7. *Be it further enacted*, That if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or wittingly aid or assist in falsely making, forging or counterfeiting, any bill or note or imitation of a bill or note, or matter purporting to be a bill or note issued by order of the president and directors of the Merchants' Bank of New Bern, or any order or check upon said bank or corporation, or the cashier thereof, or shall falsely alter or cause or procure to be falsely altered, any bill or note issued by order of the said corporation, or any order or check on said bank or any cashier thereof, knowing the same to be falsely forged or counterfeited, or shall pass, or receive with intent to pass, utter or publish as true any falsely altered bill or note issued by the order of the said bank, or any falsely altered order or check on said bank or any cashier thereof, knowing the same to be

falsely altered, with intention to defraud the said corporation or any other body politic, person or persons, every such person shall be deemed and adjudged guilty of felony, and being thereof convincted by due course of law, shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars.

Tax on shares.

Sec. 8. *Be it further enacted*, That the president or cashier of the said bank shall annually pay into the treasury of the State, twenty five cents on each share of the said capital stock which may have been subscribed for and paid in.

Dividends.

Sec. 9. *Be it further enacted*, That the directors of said bank may declare semi-annually dividends of the profits thereof; and if at any time more than the real profits be divided, the directors assenting thereto, shall be responsible in their private capacities to creditors who have claims against the said institution.

Annual Statements to the Legislature.

Sec. 10. *Be it further enacted*, That the president of this bank shall in the first week in December, in each and every year, transmit to the General Assembly a full statement of the condition of the bank, exhibiting the amount of capital, notes in circulation, debt due to other banks and what banks, deposits and all other particulars necessary to explain the debit side of the account; also the specie on hand, notes of other banks and what banks, bills of exchange, debt on bonds and notes discounted (specifying in one item the amount due from stockholders, and in another the amount due from directors, not however using any person's name in either case) and the amount of real estate.

False return, penalty for.

Sec. 11. *Be it further enacted*, That if any president, director, cashier, clerk, or other officer of the aforesaid bank shall knowingly, wittingly and with intent to deceive, make or cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, either to the treasurer of the State, to the Legislature, to the board of directors or to the stockholders, or to any other person or

persons that may be authorized by the Legislature or by the stockholders, to receive the same, such president, director, cashier, clerk or other officer and all persons aiding or abetting in such deception or false return, shall be liable to be indicted as for a misdemeanor, in the Superior Courts, and upon conviction shall be fined at the discretion of the Court, and imprisoned not exceeding one year.

Violation of Charter.

Sec. 12. *Be it further enacted*, That whenever the Legislature shall be of opinion that the charter of this bank has been violated, it shall be lawful by joint resolution to direct the Attorney General for the State, to issue a writ of *scire facias*, returnable before the judges of the Supreme Court of the State, calling upon said corporation to show cause why the charter shall not be declared to be forfeited, subject to the same proceedings as are now prescribed by law in cases of other corporations.

When to take effect.

Sec. 13. *Be it further enacted*, That this act of re-incorporation shall take effect and be in force immediately after the stockholders of said bank in general meeting agree thereto, and signify their assent to its provisions by writing duly authenticated and deposited in the office of the secretary of State; provided the same be done prior to the first of February, A. D. one thousand eight hundred and fifty three.

[Ratified 22nd January, 1851.

CHAPTER XII.

An Act in relation to exchanges of Notes between the several Banks in this State.

Payments to be made in notes without regard to where issued.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That when any bank or branch, or agency of any bank in this State, shall or may, either directly or indirectly, present for payment any note or notes of any other bank, either at the principal bank, branch or agency, it shall and may be lawful for the said bank, branch or agency to pay

the same, or any part thereof, with the note or notes of the bank, branch or agency by or for which the demand shall have been made, whether made at the instance of the principal Bank, its branches or agency, without regard to the place where the same shall have been issued or may be payable; and every person or persons who may present the note or notes of the said bank for payment, shall, if required by the cashier or other agent of the bank where said bills may be presented, *to* state whether the demand is made for any bank or branch or agency of any bank, either directly or indirectly; and in case such person or persons shall refuse to answer or state for whom he or they may make such demand, he or they shall not be entitled to receive any interest whatever on any note or notes of said bank for which payment may be refused.

Person presenting notes must say for whom payment is required.

Sec. 2. *Be it further enacted*, That the bank, branch or agency at which any note or notes shall or may be presented as aforesaid, shall make payment of such note or notes in the note or notes payable at the particular bank, branch or agency, by or for which such note or notes may or shall be presented for payment, if the said bank, branch or agency shall have a sufficient amount of such notes; and if said bank, branches or agency shall not have a sufficient amount of such notes, payment shall be made in such notes so far as the same shall extend: *Provided*, after applying in payment of the note or notes presented, all such note or notes as are payable at the particular bank, branch or agency as the bank upon which the demand may be made shall have in possession, the said bank shall and may pay off the balance of such note or notes so presented in any note or notes on the bank, branch or agency by or for which the said note or notes may be presented, without regard to the place where the same may be issued or payable.

Discrimination of notes.

[Ratified 28th January, 1851.]

CHAPTER XIII.

AN ACT to incorporate the "Bank of Wadesborough."

SECTION

1 Capital shall not exceed 200,000 dollars. Books of subscription to be opened.

2 Prescribes how and when shares shall be paid.

3 When 600 shares are subscribed and 15,000 dollars paid, subscribers shall be incorporated.

4 & 5 provide for scaling shares and when meeting shall be called to elect directors, and prescribe fundamental rules.

6, 7, 8, 9 & 10 Restrict the trading of the bank, fix per cent. on its loans, provide that bills shall be assignable, require 12 per cent. on notes not paid on demand, and no note under $3 to be issued.

11, 12, 13 provide for dividends, bind private stockholders, and require semi-annual statement.

14 Fixes penalty for forgery; 15 imposes a tax of 12½ cents on each share; 16 prescribes penalty for false return; 17, for embezzlement.

18, 19 relate to violations of charter and keeping proceedings of bank.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a bank shall be established in the town of Wadesboro', the capital stock of which shall not exceed two hundred thousand dollars, divided into shares of fifty dollars each; and for the purpose of receiving subscriptions for said stock, books shall be opened on the 17th day of February, 1851, or within twenty days after the ratification hereof, and remain open for the space of sixty days, at Wadesboro', under the superintendence of W. R. Leak, Geo. W. Little, H. B. Hammond, Joseph Medley, Norfleet D. Boggan, Purdie Richardson, James A. Leak, Stephen W. Cole, William G. Smith, Benjamin I. Dunlap, Nelson P. Liles, James C. Bennett and Joseph White, or a majority of them; at Rockingham, under the superintendence of James P. Leak, Mial Wall, John W. Covington, Walter F. Leak, William B. Cole, Samuel Terry and Walter L. Steele, or a majority of them; at Centre, under the superintendence of Wm. Wall, Sr., Dr. Jno. H. Treadwell, Wm. S. Pemberton,

Capital.

Books to be op'ned.

Stephen Crump, Wm. D. Watkins, James S. Turner and James L. Gaines, or a majority of them; and at the same time, at such other places, and under the superintendence of such other persons, as may be designated by the commissioners appointed to receive subscriptions at Wadesboro'.

Shares, how paid.

Sec. 2. *Be it further enacted*, That one fifth of such shares shall be paid in gold or silver, or their equivalent, to the commissioners above named or those appointed by them, at the time of subscribing; that another fifth shall be paid within sixty days thereafter; that another fifth shall be paid within one hundred and twenty days thereafter; that another fifth shall be paid within three months after the time appointed for paying the third instalment, and the remaining fifth shall be paid within three months after the time of paying the fourth instalment; and if any subscriber shall fail to pay any instalment, at the time stipulated, he shall pay interest thereon, at the rate of six per cent. per annum, and his stock shall be forfeited, and may be sold by the bank, and the proceeds applied to the payment of the aforesaid deficient instalment and he shall be held responsible for the same, at the option of the bank; and the remainder, if any, of such sale, to be paid over to the subscriber: *Provided*, That after the bank shall have been organized as herein after provided, the remaining unpaid instalments shall be paid to the directors or their agents, and it shall be lawful for any subscriber to pay the whole of his subscription, or any greater part than is hereby required, before the time limited for the same; and every subscriber so paying in advance, shall have a discount at the rate of six per cent. per annum, on each advance, computing the same from the time when payment is made, to the time when it is required to be made.

Amount to be paid before corporate powers begin.

Sec. 3. *Be it further enacted*, That when six hundred shares are subscribed, and the sum of fifteen thousand dollars is actually paid to the commissioners aforesaid, the subscribers to the said bank, their successors and assignees, shall be, and are hereby created, a body politic, in law and

in fact, by the name and style of the "Bank of Wadesboro'," and shall so continue until the first day of January, eighteen hundred and eighty; and by the name and style aforesaid, they shall be able and capable in law, to have, purchase, receive, possess, enjoy and retain to themselves and successors, land, tenements, rents, hereditaments, goods, chattels and effects, and the same to grant, devise, alien and dispose of; to sue and be sued; plead and be impleaded; answer and be answered; defend and be defended unto, in courts of record, or in any place whatsoever; and also to make, have and use, a common seal, and the same to break, alter or renew, at their pleasure; and also to ordain, establish and put into execution such by-laws, ordinances and regulations as shall seem necessary and convenient for the government of said corporation; and for the making whereof, general meetings of the stockholders may be called in the manner hereinafter specified; and generally to do and execute all acts, matters and things, which a corporation and body politic in law, may or can lawfully execute, and be subject to the rules, regulations, restrictions and provisions hereinafter prescribed and declared.

Shares may be scaled.

Sec. 4. *Be it further enacted*, That if it shall happen, when the books shall be opened as aforesaid, that a greater sum than two hundred thousand dollars shall be subscribed by individuals, or by bodies corporate, it shall be lawful for the commissioners to reduce such subscriptions, according to a scale to be by them established for that purpose, to the aforesaid amount of two hundred thousand dollars: *Provided*, That no subscription of two shares or under shall be scaled until all larger subscriptions shall first be reduced to an equality with them; and if six hundred shares should not be subscribed within the sixty days aforesaid, the commissioners may keep open the books for subscription twelve months longer, unless the sum be sooner subscribed; and the directors, elected as hereinafter prescribed, shall be allowed to keep open the subscription books until the whole of the stock shall be taken, and open and close the same

previous thereto, at their discretion. The commissioners appointed to receive subscriptions at Rockingham and Centre in the county of Stanly, and those who shall be appointed as herein prescribed at other places, shall pay over to the commissioners herein appointed to receive subscriptions at Wadesboro', all moneys paid to them on stock subscriptions, immediately after receiving the same.

When meeting to be called to elect directors.

Sec. 5. *Be it further enacted*, That as soon as six hundred shares shall be taken in the stock of said bank, and fifteen thousand dollars paid to the commissioners who keep the books, notice shall be given in the North-Carolina Argus, published in Wadesboro', (or in some other public manner) and a meeting of the subscribers, to be held ten days at least after the date of the notice, shall be called. If at this meeting, those or their agents, who have a majority of votes, according to the rates hereinafter described, be present, (if not, another meeting shall be called) they shall proceed to the election of seven directors, who shall take charge of the books and money in the hands of the commissioners, and immediately pursue the usual means to put the Bank in operation. The said directors shall remain in office until the time which shall be prescribed in the by-laws of the said corporation for the annual meeting of the stockholders, or until their successors shall be appointed; and at the time which shall be prescribed as aforesaid in each year, or at any time thereafter, meetings of the stockholders shall be held in the town of Wadesboro' for the purpose of electing directors, inquiring into the affairs of the institution, and making such regulations as may be deemed fit and necessary.

Fundamental rules.

Sec. 6. *Be it further enacted*, That the following rules, regulations and provisions shall form and be the fundamental articles of the constitution of the corporation. A meeting of the stockholders cannot be held, unless those who have a majority of the whole number of votes be present, and every act shall require the sanction of a majority of the votes which may be present; every stockholder holding one share, and not more than two, shall be entitled to one vote;

for every two shares above two, and not exceeding ten, one vote; for every three shares above ten and not exceeding forty, one vote; for every six shares above forty, and not exceeding one hundred, one vote; for every ten shares above one hundred and not exceeding two hundred, one vote; for every twenty shares above two hundred, one vote. After the first meeting, no share or shares shall confer a right of voting which shall not have been holden three calendar months previous to the day of voting. Stockholders may vote at general meetings and elections by proxy, the proxy himself being a stockholder. None but a stockholder, who is a citizen of the State, shall be eligible as a director; and the stockholders shall appoint annually seven directors to manage the bank, and when appointed, they shall choose one of their number to be president of the bank, and shall manage the institution as shall seem best, unless otherwise directed by the stockholders. Not less than three directors, of whom the President shall always be one, shall constitute a board for the transaction of business, except in case of absence or sickness of the president, when he may, by writing, nominate any other director to supply his place. If a vacancy in the directory shall occur, by death, resignation or otherwise, the remaining directors shall fill such vacancy until the succeeding annual meeting of the stockholders. A number of stockholders, not less than ten, who together shall be owners of three hundred shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least twenty days notice in a public gazette, and specifying the object or objects of such meeting; the directors shall annually elect such officers as may be deemed necessary to perform the business of the bank, and may remove them or either of them at pleasure; those officers shall be required to give bonds, with two or more securities, in sums not less than ten thousand dollars, with a condition for good behaviour and faithful performance of duty; they shall be allowed, by the directors, such compensation for their services

as shall be reasonable; but compensation to the president and directors shall be granted at the pleasure of the stockholders. The stock of said corporation shall be assignable and transferable according to the rules which shall be instituted in that behalf, by the laws and ordinances of the same.

Restrictions in trade.

Sec. 7. *Be it further enacted*, That the said corporation shall neither directly nor indirectly trade in anything except bills of exchange; promissory notes and bonds, expressing on the face of them to be negotiable and payable at said bank; gold or silver bullion; or in the sale of goods really and truly pledged for money lent, and not redeemed in due time; or in goods which shall be the produce of its lands; or in mint certificates, and the public debts of the United States, and of this State: *Provided*, the investment in such stock shall not exceed one half of the capital stock of this bank. The said corporation shall purchase and hold only such lands, tenements, rents and hereditaments as shall be required for the convenient transaction of its business, or shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sale upon judgments which shall have been obtained for such debts.

Per cent.

Sec. 8. *Be it further enacted*, That the said corporation shall not take more than six per cent. per annum, for or upon its loans or discounts, which interest may be received in advance at the time of discount; and the said bank shall, at no time, have in circulation more than twice the amount of its capital actually paid in.

Bills to be assignable, &c.

Sec. 9. *Be it further enacted*, That the bills obligations [obligatory?] and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property therein, in each and every assignee or assignees

successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her or their name or names; and bills or notes which may be issued by order of the said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, in the like manner, and with the like force and effect, as upon any private person or persons; that is to say, those which shall be payable to any person or persons, his, her or their order, shall be assignable by endorsement, in like manner, and with like effect, as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable and assignable by delivery only.

On refusal to pay, 12 per cent., &c.

No notes under $3

Sec. 10. *Be it further enacted*, That no note shall be issued by said bank, under the denomination of three dollars, and that if any person or persons, holding any note or notes of said bank, shall present the same for payment, and payment shall be refused, the said note or notes shall draw interest at the rate of twelve per cent. per annum, from the time of said demand, and the said bank shall pay the same, any law to the contrary, notwithstanding; and the holder of said note or notes of said bank, not paid on demand, may bring an action of assumpsit against one or all of the directors who may have consented to issue more than twice the capital stock paid in, in case the bank be unable to pay the amount: *Provided, always*, that if any note or notes of the said bank shall be presented for payment by, or for, any bank, or branch or agency of any bank, either directly or indirectly, it shall be lawful to pay the same or any part thereof, with the note or notes of the bank, by or for which the demand shall have been made, whether made at the instance of the principal bank, its branch or agency, without regard to the place where the same may have been issued or may be payable; and any person or persons who may present the note or notes of the said bank for payment, shall, if re-

quired, state on oath, before a justice of the peace, whether the demand was made for any bank or branch or agency of any bank, either directly or indirectly, or in case of refusing, shall not be entitled to recover any interest whatever on any note of said bank, for which payment may be refused.

Dividends.

Sec 11. *Be it further enacted*, That the directors of said bank may declare semi-annual dividends of the profits thereof, provided that no dividend shall be declared until the whole amount of stock subscribed shall be paid in gold or silver, or their equivalent; and if, at any time, more than the real profits are divided, the directors thereto assenting shall be responsible, in their private capacities, to creditors who have claims against the said institution.

Binds stockholders.

Sec. 12. *Be it further enacted*, That in case of any insolvency of the bank hereby created, or ultimate inability to pay, the individual stockholders shall be liable to creditors in sums double the amount of stock by them respectively held in said corporation.

Statement to Treasurer.

Sec. 13. *Be it further enacted*, That the officer at the head of the treasury department of the State shall be furnished once in six months with a statement of the amount of the capital stock of said corporation, and the debts due the same; of the monies deposited therein; of the notes in circulation; and of the cash on hand; and shall have a right to inspect such general accounts, in the books of the bank, as shall relate to said statement: *Provided*, that this shall not be construed to a right of inspecting the accounts of any private individual with the bank, except the directors. And it shall be the duty of the president of the bank, in the first week of December, in each and every year, to transmit to the General Assembly a full statement of the condition of the bank, exhibiting the amount of capital, notes in circulation, debts due to other banks, and to what banks, deposites and all other particulars necessary to explain the debit side of the account; also, the specie on hand, notes on other banks, and what banks, bills of exchange, debts or bonds, and notes discounted, specifying in one item the amount due

from stockholders, and in another, the amount due from directors, not, however, using any person's name in either case; and the real estate.

Sec. 14. *Be it further enacted*, That, if any person shall falsely make, forge or counterfeit, or cause or procure to be falsely made, forged or counterfeited, or willingly aid or assist in falsely making, forging or counterfeiting any bill or note in imitation of, or purporting to be a bill or note issued by order of the president and directors of the Bank of Wadesboro', or any order or check upon said bank or corporation, or the cashier thereof; or shall falsely alter, or cause or procure to be falsely altered, or willingly aid or assist in falsely altering any bill or note issued by order of the said corporation, or any order or check on said bank or the cashier thereof; or shall pass, or receive with intent to pass, utter or publish as true, any false, forged or counterfeited bill or note, purporting to be a bill or note issued by order of said corporation; or any false, forged or counterfeited check or order, upon the said bank, or the cashier thereof, knowing the same to be falsely forged or counterfeited; or shall pass, or receive with intent to pass off or publish as true, any falsely altered check or order on said bank, or the cashier thereof, or falsely altered bill or note issued by order of said bank, knowing the same to be falsely altered, with intent to defraud the said corporation, or any other body politic or person or persons; every such person shall be deemed guilty of felony, and being thereof convicted by due course of law, shall be imprisoned not exceeding ten years, and fined not exceeding five thousand dollars. Forgery, penalty for.

Sec. 15. *Be it further enacted*, That the president or cashier of said bank shall annually pay into the Treasury of the State, twelve and a half cents on each share of said capital stock, which may have been subscribed for and paid in; and the first payment of said tax shall be made twelve months after said bank shall have commenced operations. Tax.

Sec. 16. *Be it further enacted*, That if any president,

False return, penalty for.

cashier, clerk or other officer of the aforesaid bank, shall knowingly, willingly, and with intent to deceive, make, or cause to be made, or connive at making any false return, statement or exhibit of the condition of the bank, either to the Treasurer of the State, to the Legislature or to the Board of Directors of the bank, or to the stockholders, or to any other person or persons, that may be authorized by the Legislature or by the stockholders to receive the same; such president, director, cashier, clerk or other officer, and all persons aiding or abetting in such deception or false return, shall be liable to be indicted for a misdemeanor in the Superior Courts, and upon conviction, shall be fined at the discretion of the court and imprisoned not exceeding one year.

Embezzlement.

Sec. 17. *Be it further enacted*, That, if a director or any other officer, agent or servant of said corporation, shall embezzle any of the funds belonging to said bank, with the intent to defraud said corporation, or make false entries upon the books of said bank, with intent to defraud said corporation, or any other person whatsoever; said officer, agent or servant, shall be held and deemed guilty of felony, and upon conviction thereof, by due course of law, shall be punished by fine at the discretion of the court, and imprisoned not exceeding five years.

Violation of charter.

Sec. 18. *Be it further enacted*, That, whenever the Legislature may be of opinion that the charter of the corporation hereby granted shall have been violated, it may be lawful, by joint resolution, to direct the Attorney General, with such assistant counsel as the Governor or Legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the Judges of the Supreme Court, calling upon said corporation to show cause why the charter hereby granted shall not be forfeited, subject to the same proceedings as are now prescribed by law, in cases of other corporations.

Sec. 19. *Be it further enacted*, That the cashier shall keep a book to contain the proceedings of the Board of Directors, the names of those present, the day and date of each meeting, and shall record the yeas and nays, on any question,

when asked for by any director. This book shall be evidence in courts of justice; and on entering on the discharge of his duties, the cashier shall take the following oath before some justice of the peace, by whom it shall be returned to the office of the clerk of the county court: "I, A. B, do solemnly swear to keep a just and true record, without alterations or erasures, of the transactions of the Board of Directors of the Bank of Wadesboro', in a book kept by me for that purpose." Proceedings to be kept.

Sec. 20. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

BASTARDY.

CHAPTER XIV.

AN ACT concerniug Bastardy.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter it shall be lawful for one justice of the peace to issue warrants in cases of bastardy, take the examination of the mother of the child, bind over the reputed father, and to do all other acts which two justices of the peace are now authorized to do in the Revised Statutes, chapter 12. What one justice may do.

Sec. 2. *Be it further enacted*, That all laws and clauses of laws, coming within the meaning and purview of th s act, be, and the same are, hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER XV.

AN ACT to amend the 4th section of the 12th chapter of the Revised Statutes, concerning Bastard Children.

SECTION

1 Oath of woman, charging father of child, hereafter to be presumptive evidence only.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the 4th section of the 12th chapter of the Revised Statutes, concerning bastard children, be so amended as to provide that hereafter the affidavit or examination of any woman, charging any person with being the father of any bastard child or children, shall not be taken as *prima facie* evidence thereof, but shall be regarded as presumptive evidence, subject to be rebutted by other testimony which may be introduced by the defendant.

Oath of mother to be presumptive evidence only.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CANALS.

CHAPTER XVI.

AN ACT to incorporate the Albemarle and Currituck Canal Company.

Preamble.

WHEREAS, The establishment of a communication between the waters of Currituck Sound, and those of North River, by means of a suitable Canal, will remove a great, and, at present, insurmountable impediment to the profitable energies and enterprise of the citizens of North Carolina, residing in the vicinity of her great Northern water courses, and their tributaries; *And Whereas* the construction of such a work would prove of great public utility, by lending an additional stimulus to the Agricultural and Commercial interests of the State, and for the accomplishment of which said work, many persons are disposed to contribute largely of their means:

Books to be opened.

SEC. 1. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to open Books at Currituck Court House, under the direction of B. T Simmons, Tully L. Dozier, John B. Jones, Edmund Simmons and Edward Morton; at Elizabeth City, under the direction of William Glover, Timothy Hunter and Charles M. Laverty; at Edenton, under the direction of Thomas D. Warren, T. L. Skinner and James Norcom, Jr.; at Plymouth, under the direction of J. M. C. Boyle, Wm. B. Nichols and Thos. E. Pender; at Williamston, under the direction of Nathan Thompson; W. H Bagley and Asa Biggs; at Halifax, under the direction of H. I. Hervey, N. M. Long and Andrew Joyner; at Columbia, under the direction of S.

S. Simmons, Thomas Davenport and Isaac Casey; at Hyde Court House, under the direction of David Carter, Thomas Mann, and Richard I. Wynne; and at Washington, in Beaufort county, under the direction of B. T. Hanks, Dr. Jno. Norcom and W. H. Willard; at Windsor, under the direction of Kader Biggs, Thos. E. Fanning, Benjamin J. Spruill, and Jos. M. Byrd; for receiving and ensuring subscriptions to the amount of Two Hundred Thousand Dollars for the said undertaking, which subscriptions shall be made personally, or by power of Attorney, in the presence of any two, or more of said Commissioners. That the said Books shall be opened on the first Monday in March next, and shall continue open, until the last Saturday in May next, inclusive; and on the third Monday in June next, there shall be a general meeting of the subscribers, at Currituck Court House, of which meeting the said commissioners hereby directed to open Books at Currituck Court House, shall give twenty days notice, in one of the newspapers published in Elizabeth City, and in the City of Norfolk, Virginia; and such meeting shall have power to adjourn from day to day, until the business for which they may have assembled, shall be completed; and the said commissioners shall at the time and place aforesaid, lay before such of the subscribers, as shall meet according to said notice, the books by them respectively kept, containing the state of the said subscriptions; and if one fourth of the capital sum aforesaid should, on examination, appear not to have been subscribed, the said commissioners are empowered to take and receive subscriptions to make up the deficiency. Should the return of the subscriptions taken, be found to exceed the amount of said capital stock, then the said subscriptions shall be proportionally scaled down to agree with the amount before specified, and the said capital sum, shall be reckoned and divided into two thousand shares of one hundred dollars each.

When one fourth is subscribed, &c.

Sec. 2. *Be it enacted*, That in case one fourth of the said capital, or a greater sum shall be subscribed as aforesaid, the said subscribers, their executors and assigns, from the time of the said first meeting, shall be, and are hereby declared to be incorporated into a company, by the name of the Currituck and Albemarle Canal Company, and as such are hereby invested with the power of

suing and being sued. Such of the subscribers as shall be present, or represented in said meeting, or a majority of them, are hereby empowered and required to elect a President and six Directors, for conducting and managing said undertaking, for and during such time, not exceeding two years, as the said subscribers, or a majority of them, shall think fit. And in counting the votes of all general meetings of said company, each member shall be allowed one vote for every share, as far as ten shares, and one vote for every five above ten, by him held at the time, in said company; and any proprietor, by writing under his or her hand, and executed before two witnesses, may authorise any other member or proprietor to vote and act as proxy for him or her, at any general meeting.

Directors power to contract, &c.

Sec. 3. *Be it enacted*, That the said President and Directors, and their successors, or a majority of them, when assembled, shall have power and authority to agree with any person, or persons, in behalf of said company, to cut the said Canal and execute such other works as shall be deemed necessary for the due navigation of said Canal and such works as are necessary thereto, and to defray all costs and incidental charges arising from said improvements; to appoint such toll gatherers, managers, and operatives, as they shall deem requisite; to make and establish rules of proceeding, and transact all the other business and concerns of said company, in and during the intervals of the general meetings of the company.

Officers, election of.

Sec. 4. *Be it further enacted*, That the proprietors of said company, at their general meetings, shall have the power to elect a Treasurer for said company, to define his duties and rate of compensation, and to make all such other needful rules and regulations, touching the same, as in their estimation, may be conducive to the interests of said company; to make and establish such other officers, with their duties and rates of compensation, as may be deemed expedient; to elect a president and directors for said company; to fill all vacancies in all the offices of said company; and generally at said meetings to do and perform all acts and things touching the due regulation and management of said company, as may be deemed expedient, and not inconsistent with the provisions of law.

Oath.

Sec. 5. *Be it further enacted*, That the President and Directors of said company, before entering upon the duties of their offices, shall take an oath, or affirmation, for the due performance of their respective duties.

Quorum for meeting.

Sec. 6. *Be it further enacted*, That the presence of proprietors holding a majority of the shares actually subscribed, in person, or by attorney, shall be necessary to constitute a general meeting, and that said meeting shall be held once in every year, at such convenient place and time, as shall be appointed by said general meeting, with power to adjourn from to day, until their business is completed; and should a majority of the stockholders be not present or represented on the first day appointed for said meeting, those present may adjourn from day to day, until a general meeting, in conformity with the above provisions, shall have been attained; and on any vacancy [emergency?] in the interval of said meetings, the President, or a majority of the directors, may call a meeting of the company, at any convenient place, giving one month's previous notice in some newspaper published in Elizabeth City or the City of Norfolk, Virginia.

Tolls.

Sec. 7. *Be it further enacted*, That in consideration of the heavy expense to which the company will be subjected, in cutting and keeping in repair said Canal and its appurtenances, the said president and directors are hereby empowered, at all times hereafter, to demand and receive, at appropriate places in said Canal, for all commodities transported through the same, and on all vessels passing through said Canal, such rate of tolls as the said company may establish: *Provided*, that said rate or tariff of tolls shall never exceed the amount now allowed to be charged on similar articles or vessels for transportation through the Dismal Swamp Canal, as established by Law, under the charter of said company.

Refusal to pay toll

Sec. 8. *And be it further enacted*, That in case of refusal to pay the tolls as assessed by the said president and directors, at the time of offering to pass the places at which they may be demanded, as aforesaid, the collector of said tolls may refuse passage to whatever refuses payment; and if any vessel should pass without paying toll, and shall still refuse to pay said toll when demanded, the owner and master of said vessel shall forfeit and pay to the

said collector of tolls double the amount of tolls that may be due and fifty dollars besides, to be recovered by warrant before any justice of the peace in the county of Currituck.

Land, purchase of.

Sec. 9. *And be it further enacted*, That it shall, and may be lawful for the said president and directors or a majority of them, to agree with the owners of any land through which the said Canal is intended to pass, for the purchase thereof, and in case of disagreement, or from other cause preventing said purchase, such as infancy, the owner being *Feme Covert* &c., on application to any two Justices of the county, in which said land shall lie, the said Justices shall issue their warrant, under their hands, to the Sheriff of the county, to summon a Jury of eighteen Freeholders of said county, not related to the parties, nor in any manner interested, to meet on the land to be valued, at a day to be expressed in the warrant, not less than ten, nor more than twenty days thereafter, and the Sheriff on receiving said warrant shall forthwith summon said Jury, and when met, provided that not less than twelve shall appear, shall administer on oath, or affirmation to each of the twelve Jurymen, "that he will fairly, justly and impartially value the land, not less than 300 feet in width, and all damages the owner thereof shall sustain, by cutting said Canal through such land, according to his best skill and judgment;" and the inquisition thereon taken, shall be signed by the Sheriff, and some twelve or more of the Jurors and returned to the Clerk of his county, to be recorded; and the valuation of the Jury thereon made and certified, shall be conclusive on all persons, and shall be paid by the said president and directors, to the persons legally authorized to receive the same, and on payment thereof, the said company shall be seized in fee of such land, as if conveyed to them, and their successors, by legal conveyance: *Provided*, That the said company are hereby authorized to hold and possess, by purchase, or otherwise, such quantity, or parcel of land, near the places set apart for the receipt of tolls, as they may deem necessary, for the erection of suitable buildings, or any other useful purpose, not exceeding 100 acres of land, at each place.

Capital stock.

Sec. 10. *And be it further enacted*, That the capital stock of said company, if at any future time it may be deemed desirable,

may be increased to the sum of $500,000, by the addition of so many whole shares as may be adequate to that purpose; observing the same rules and method in *allowing* said additional stock, as are herein before described, and all proprietors of such additional shares shall, and are hereby declared to be incorporated into said company.

Route. Sec. 11. *And be it further enacted*, That the stockholders in the company hereby incorporated, shall have full power and authority, to designate the route to be pursued for the purpose of effecting the contemplated communication between the waters of Currituck Sound and the North River.

Work when to commence, &c. Sec. 12. *Be it further enacted*, That the work hereby provided for shall be executed with diligence; also, if it be not commenced within two years and finished within seven years after the passage of this act, then this charter shall be forfeited.

Sec. 13. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CLERKS.

CHAPTER XVII.

AN ACT concerning the duties of Clerks.

SECTION

1 Clerks shall issue executions, unless otherwise directed, within six weeks of judgment.

2 Provides for an *alias* execution.

3 Penalty.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of*

the same, That it shall be the duty of the clerks of the Superior Courts of Law and of the county courts in this State to issue executions on all judgments rendered in their respective courts, unless otherwise directed by the plaintiff therein, within six weeks of the rendition of such judgment, and to endorse upon the record the date of such issuing. Executions, time of issuing.

Sec. 2. *Be it further enacted*, That unless the executions issued as required by the first section of this act shall be returned, satisfied, to the courts to which they are made returnable, it shall be the duty of the clerk to issue an *alias* execution, within six weeks, unless otherwise instructed. *Alias* executions.

Sec. 3. *Be it further enacted*. That if any clerk shall fail to comply with the requirements of this act, he shall be liable to be amerced in the sum of one hundred dollars, for the benefit of the party aggrieved, under the same rules and regulations that are now provided by law for the amercing of sheriffs, and shall be further liable to the party *enjoined* in a suit upon his bond. Penalty.

[Ratified 28th day of January, 1851.]

CHAPTER XVIII.

AN ACT authorizing the Clerks of the Superior Courts to take bonds, when they may issue writs of *Recordari* and *Certiorari*.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter it shall be lawful for Clerks of the Superior Courts, whenever they may issue writs of *certiorari*

and writs of *recordari*, to take bond from the person or persons in whose favor the said writs may be issued: *Provided, nevertheless*, that nothing herein contained shall prevent bonds from being also taken in such cases by the officers who are now authorized to take the same.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

COLLEGES.

CHAPTER XIX.

AN ACT to incorporate St. John's College, Oxford.

Preamble

WHEREAS the Constitution of North-Carolina provides that all useful learning shall be encouraged and promoted by the establishment therein of one or more Colleges; and whereas many worthy citizens of this State deem the establishment of a College in the town of Oxford, for the education of youth of all classes, without regard to the distinction of religious denominations, and thereby promote the more general diffusion of knowledge and virtue:

Sec. 1. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That R. W. Lassiter,

J. R. Herndon, J. P. Little, John J. C. Taylor, C. H. Jordan, R. T. Taylor, J. Bullock, N. E. Cannaday, W. W. Young, S. D. Baskerville, J. W. Whitaker, J. Berry, E. L. Winslow, C. P. Mendenhall, P. W. Archer, W. H. Haywood, Jr., P. H. Winston, Jr, J. P. Clements, J. G. Bynum, Joshua Roberts, M. A. Outlaw, Kenneth Rayner, A. T. Jerkins, John A. Lillington, and their successors, duly elected and appointed in the manner hereinafter described, be, and they are hereby made, constituted and declared a body politic and corporate, in law and in fact, to have continuance fifty years, by the name, style and title of "The Trustees of St. John's College;" and, by name and title aforesaid, to have perpetual succession and a common seal; and shall forever hereafter be persons able and capable in law to take, receive and hold all manner of lands, tenements, rents, annuities and other hereditaments, which at any time heretofore have been granted, bargained and sold, released, devised or otherwise conveyed, and the same lands, rents, annuities and other hereditaments are hereby vested in the said corporation and their successors forever; and also that the said trustees and their successors, at all times hereafter, shall be able and capable to purchase, have, receive, take, hold and enjoy, in fee simple *or* lessee, any lands, tenements, rents annuities, estate or estates, or other hereditaments, by the gift, grant, bargain, sale, alienation, release, confirmation or devise, of any person or persons, or bodies corporate or politic capable and able to make the same; and further, that the said trustees and their successors, under the corporate name aforesaid, shall be capable and able in law, to take, receive and possess all moneys, goods and chattels that have been given or shall be hereafter given, sold, released or bequeathed, by any person or persons, for the use of said College, and the same to apply according to the will of the donors; and all such lands, tenements, rents, hereditaments, moneys, goods and chattels, of what nature, kind or quality soever the same may be, the said trustees and their succes- Trustees, name and powers.

sors to have, hold, possess and use, in special trust and confidence, for the purpose of establishing and endowing said college, at the site which may be hereafter selected for that purpose in the town of Oxford.

Trustees may bargain, sell, &c.

Sec. 2. *Be it further enacted*, That the said trustees and their successors, by the name aforesaid, shall be able and capable, in law, to bargain, sell, grant, convey and confirm, to the purchaser or purchasers, such lands, rents, tenements and hereditaments aforesaid, when the condition of the grant to them, or the will of the devisor does not forbid it; and further, that the said trustees and their successors, by the name aforesaid, shall be able and capable, in law, to sue and be sued, to plead and be impleaded, answer and be answered, in all courts of record whatever, in all manner of suits, complaints, pleas, matters and demands.

By-laws.

Sec. 3. *Be it further enacted*, That the said trustees and their successors shall be, and are hereby authorized and empowered to make, ordain and establish such by-laws, ordinances and regulations, for the government of said College and the preservation of order and good morals therein, as are usually made in such seminaries, and to them may seem necessary: *Provided*, That the same be not repugnant to the Constitution and laws of this State or of the United States.

Proviso.

Seal.

Sec. 4. *Be it further enacted*, That the said trustees and their successors shall have power and authority to make and use a common seal, with such device and inscription as they may think proper, and the same to alter and renew at their pleasure.

Grand Lodge shall have power to appoint trustees and prescribe studies.

Sec. 5. *Be it further enacted*, That the Grand Lodge of Ancient York Masons of North-Carolina shall have power to elect the Trustees of St. John's College, Oxford, and shall have power to prescribe the length of time they shall hold office, their qualifications, and the conditions upon which they are to continue. They shall also have power to provide for their removal, and shall fill vacancies in the board caused by death, resignation or otherwise; and shall have

power and authority to prescribe a general system of studies to be pursued in said College.

Sec. 6. *Be it further enacted*, That the number of trustees shall not be more than sixty, nor less than thirty, and the Grand Lodge shall fill up the number not appointed by this act, at its first Grand Communication. Number of trustees.

Sec. 7. *Be it further enacted*, That the faculty of said College, that is, the president and professors, by and with the consent of the trustees, shall have power of conferring all such degrees or marks of literary distinction, as are usually conferred in Colleges or Universities. Degrees.

Sec. 8. *Be it further enacted*, That the aforesaid trustees and their successors shall and may, as often as they shall see proper, according to rules by them to be prescribed, elect out of their number a President, and shall have authority to appoint a Treasurer, Secretary and such other officers and servants as shall by them be deemed necessary, to continue in office for such time, and to be succeeded by others in such manner, as the said trustees shall direct; and further, that not less than seven of said trustees shall be required to constitute a quorum for the transaction of business. Officers, appointment of.

Sec. 9. *Be it further enacted*, That it shall not be lawful for any person or persons to set up or continue any gaming or billiard table, or any device whatever for playing at any game of chance or hazard, by whatever name called, or to exhibit any sleight of hand, theatrical or equestrian performance, dramatic recitations, rope or wire dancing, or other itinerant, natural or artificial curiosities, or receive or use any licence to retail any spirituous liquors, or otherwise to sell, give or convey to the students of said College any intoxicating liquors within two miles of the said College, without the special permission, in writing, of the faculty of said College; and any person or persons who shall offend against the provisions of this act, or any of them, shall forfeit Gaming, exhibitions and sale of spirits prohibited.

and pay the sum of two hundred dollars, to be recovered in any court of record having cognizance of the same, one half to the use of the informer, and the other half to the use of said College.

Value of estate.

Sec. 10. *Be it further enacted*, That the whole amount of real and personal estate, belonging to said corporation, shall not at any one time exceed in value the sum of two hundred thousand dollars.

Tax.

Sec. 11. *Be it further enacted*, That whenever the said College shall hold and possess lands exceeding in quantity five hundred acres, including the College buildings, it shall, for such excess, pay into the Public Treasury the usual tax.

Sec. 12. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification, and be deemed and held a public act.

[Ratified 28th January, 1851.]

CHAPTER XX.

AN ACT to incorporate Union Institute, in Randolph County, a Normal College.

Trustees incorporated

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the present trustees of "Union Institute," to wit: M. W. Leach, Ahi Robbins, Joseph Johnson, James Leach and C. M. Lines; together with Rev. B. B. Craven, of said Institute; Hon. A. H. Sheppard, of Salem; John A. Gilmer, Esq., of Greensboro', Col. Samuel Hargrave of Lexington, J.L. Blackmer, Esq. of Salisbury; Rev: S. A. Andrews, of Greensboro'; Dr. S. G. Coffin of Jamestown; H. B. Elliott, Esq., of Randolph; J. W. Thomas, Esq., of Davidson; John B. Troy, of Randolph; J. P. H. Russ, of Randolph; Eli Russell, of Montgomery, and Gen. J. M. Leach, of Lexington; and and their successors, be, and they are hereby

declared, a body politic and corporate, to be known and distinguished by the name and style of the "Normal College," and by that name shall have a perpetual succession, and a common seal, and be able and capable, in law, of holding lands, tenements and chattels, sufficient for the uses and purposes of said College, and of suing and being sued. and of pleading and being impleaded.

Annual meetings and vacancies.

Sec. 2. *Be it further enacted*, That said trustees shall have power to fix the time of holding the annual and other meetings, and to prescribe the manner in which vacancies in their body may be filled, five trustees being a quorum to do business.

Management of college.

Sec. 3. *Be it further enacted*, That the said College shall be under the supervision, management and government of a President and such other persons as said trustees may appoint: the said president, with the advice of the other persons so appointed, shall from time to time make all needful rules and regulations for the interaal government of said College, and fix the number and compensation of teachers to be employed therein, to prescribe the preliminary examination and the terms and conditions on which pupils shall be received and instructed, and the number of pupils to be received from the respective counties.

By-Laws.

Sec. 4. *Be it further enacted*, That said trustees shall have power to make such rules, regulations and by-laws, not inconsistent with the Constitution of the United States and of this State, as may be necessary for the good government of said College, and the management of the property and funds of the same.

Evidence of pupil's qualification as teacher.

Sec. 5. *Be it further enacted*, That when any pupil shall have sustained a satisfactory examination on the studies, or course of studies, prescribed by the faculty and trustees of said College, such person shall be deemed qualified to teach common schools and may receive a certificate, signed by the president and at least seven trustees, which certificate shall be sufficient evidence of ability to teach in any of the common schools in this State, without any re-examination of the county committees; and where county certificates are now required before paying out the public funds, the certificate of the Normal College shall answer in lieu thereof.

College course.

Sec. 6. *Be it further enacted*, That the whole College course shall be divided into four classes or degrees, styled first, second, third and fourth, and students shall be ranked accordingly.

Declaration, pupils shall sign.

Sec. 7. *Be it further enacted*, That all the pupils entering said College shall first sign a declaration, in a book to be kept by the president for that purpose, as follows: "We, the subscribers, hereby declare that it is our intention to devote ourselves to the business of teaching common schools in the State of North-Carolina, and that our sole object in resorting to this Normal College is the better to prepare ourselves for that important duty," which declaration it shall be the du y of the president to explain to the pupils before they sign the same.

[Ratified 28th January, 1851.]

CONSTITUTION---AMENDMENT.

CHAPTER XXI.

AN ACT to amend the Constitution of North-Carolina.

SECTION

1 Amended, so as to abolish the freehold qualification of voters for members of the Senate.

2 Requires the Governor to issue proclamation, &c.

Preamble.

WHEREAS the freehold qualification now required for electors, for the members of the Senate, conflicts with the fundamental principles of liberty: Therefore,

Section amended.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, three fifths of the whole number of members of each

House concurring, That the second clause of third section of the first article of the amended Constitution, ratified by the people of North-Carolina, on the second Monday of November, A. D., 1835, be amended by striking out the words "and possessed of a freehold within the same district, of fifty acres of land, for six months next before and at the day of election;" so that the said clause of said section shall read as follows: 2. All free white men of the age of twenty one years (except as is hereinafter declared) who have been inhabitants of any one district within the State twelve months immediately preceding the day of any election, and shall have paid public taxes, shall be entitled to vote for a member of the Senate.

Proclamation, Governor to issue.

Sec. 2. *Be it further enacted*, That the Governor of the State be, and he is hereby directed to issue his proclamation to the people of North-Carolina, at least six months before the next election for members of the General Assembly, setting forth the purport of this act and the amendment to the Constitution herein proposed; which proclamation shall be accompanied by a true and perfect copy of the act, authenticated by the certificate of the Secretary of State; and both the proclamation and the copy of this act, the Governor of the State shall cause to be published in all the newspapers of this State, and posted in the Court Houses of the respective counties in this State, at least six months before the election of members to the next General Assembly.

[Read three times, and agreed to by three fifths of the whole number of members of each House respectively, and ratified in General Assembly, this 24th day of January, A. D., 1851.]

CHEROKEE LANDS.

CHAPTER XXII.

AN ACT to provide that copies of certain papers on file in the office of Secretary of State, relating to Cherokee lands, shall be evidence in certain cases.

Papers to be received as evidence enumerated.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the list made and transmitted to the Governor, in pursuance of the first section of an act, ratified on the 7th day of January, A. D., 1845, entitled "An Act more effectually to secure the debts due for Cherokee lands, and to facilitate the collection of the same, by the commissioners appointed under the provisions of said act," and all the reports and certificates made to the Governor, by Jacob Siler, the agent for the State, in pursuance of any statute relating to his office or prescribing the duties thereof; and all deeds or written evidences of the surrender of Cherokee lands, by the purchasers thereof, their heirs, devisees, assignees or securities, executed in pursuance of the act aforesaid, or an act entitled an act to amend an act, passed at the last session of the General Assembly, entitled an act more effectually to secure the debts due for Cherokee lands and to facilitate the collection of the same, shall be deemed and held to be records; and any part of the list aforesaid, certified to be such by the Secretary of State, and countersigned by the Governor, or copy of any such deed or written evidence of surrender, report or certificate certified by the Secretary of State and

countersigned by the Governor in like manner, shall be received in evidence by all courts in this State without further proof.

Sec. 2. *Be it further enacted*, That this act shall take effect from and after its ratification.

[Ratified 29th January, 1851.]

CHAPTER XXIII.

AN ACT authorizing the transfer of books, bonds, &c., from the Treasurer's office to the Agent of the State, for the collection of Cherokee Land Bonds.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That whenever the agent of the State for the collection of Cherokee Bonds, shall have executed his bond to the State of North-Carolina, in the sum of one hundred thousand dollars, with good and sufficient security, to be approved of by the Governor and Public Treasurer, it shall be lawful for the Public Treasurer and Comptroller to transfer such books, papers and bonds in their respective offices, as may be necessary to the settlement of the Cherokee land debts to the office of the said agent. When agent gives security, books shall be transferred.

Sec. 2. *Be it further enacted*, That said agent shall, on or before the first day of January, in each and every year, make a statement to the Governor, setting forth the amount he has received for Cherokee lands, and whether the same has been in money or in work on the Western Statement agent to make.

Turnpike Road; and also what amount of money has been paid on orders given by the commissioner to superintend the building of the aforesaid road, together with the amount remaining in his possession.

Grant, evidence on which to issue.

Sec. 3. *Be it further enacted*, That, hereafter, the receipts of the aforesaid agent of the State for the collection of Cherokee Bonds, showing that full payment has been made for any tract of land in the county of Haywood, Macon or Cherokee, together with the proper certificate of sale, transfer, deed or warrant and certificate of survey, shall be sufficient evidence on which the Secretary of State may isue a grant to the purchaser or enterer of said tract of land.

Repealing clause.

Sec. 4. *Be it further enacted*, That so much of an act of the General Assembly, passed in 1840-'41, as requires the agent of the State, in the collection of Cherokee Bonds, to make remittance of moneys collected by him, and report to the Treasurer's office, together with all laws and clauses of laws, coming in conflict with this act, be, and they are hereby repealed.

[Ratified 27th January, 1851.]

CHAPTER XXIV.

AN ACT to provide relief for purchasers of Cherokee Lands, secure debts due to the State, and authorize the sale of lands surrendered to the State under the acts of 1844-5 and 1846-7.

SECTION

1 The Governor shall appoint a board of valuation.
2 Lands shall not be valued below valuation of Commissioners under act of 1836.
3 Provisions as to meeting, and procedings of the Board, and of persons desiring the benefit of this act.
4 Commissioners to take an oath.
5. Comptroller shall furnish statement.
6. Relates to cancelling bonds.
7. Compensation of Commissioners.
8. Commissioners shall be disinterested.

Preamble.

WHEREAS, by acts of the General Assembly, passed at the sessions of 1844-5 and 1846-7, all persons who purchased lands at the sale of 1838, and who were unable to pay for them, were authorized to surrender said lands to the State; and whereas a large number of tracts were surrendered under the provisions of said act; and whereas, by the subsequent act of 1846-7, those lands were assessed by agents appointed under said act, and the purchasers were, upon giving new bonds with approved security, permitted to take up the lands surrendered at the price fixed upon them by the agents of the State; and whereas it is but just and right that all purchasers should have the same measure of relief extended to them:

Board of valuation, Governor to app'int.

SEC. 1. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Governor of the State shall appoint three persons, not residents of Cherokee county who shall constitute a board of valuation, whose duty it shall be to value all the lands surrendered to the State and

have not been taken up, also the lands of insolvent purchasers which have not been surrendered, as well as the lands of solvent purchasers (if desired to do so by such solvent purchasers) at a fair valuation: *Provided*, that no money shall be paid to any claimant, on account of any loss or damage which he or they may have sustained previous to the passage of this act.

Lowe t valuatic .

Sec. 2. Be *it further enacted*, That in order to guard the interest of the State, the said board of commissioners shall have no power to reduce the price of any lands valued by them, below the valuation placed thereon by the Commissioners appointed to superintend their survey under the act of 1836, under which act the first quality was valued at four dollars per acre, the second quality at two dollars per acre, and the the third quality at one dollar per acre, the fourth quality at fifty cents per acre, and the fifth quality at twenty cents per acre. *Provided further*, That the said board of commissioners, in valuing the lands of solvent purchasers, under this act, shall have no power to reduce the price of any tract below one half of what it sold for in 1838. And it shall be the duty of the board of valuation to make out duplicate lists of such valuation as soon as may be. One copy of which shall be filed in the office of the clerk of the county court of Cherokee county, and the other they shall transmit to the Governor of the State, to be filed in his office, and the same shall form a part of the records of said offices.

Board, when and where to meet.

Sec. 3. *Be it further enacted*, That the commissioners hereby authorized to be appointed, shall, within sixty days after the acceptance of their appointment, meet at the town of Murphy, in the county of Cherokee, for the purpose of proceeding in the execution of their duties; that the commissioners appointed by the county court of Cherokee county shall advertise for thirty days previously, at the Court House and three other public places in said county, and also in both the newspapers published at Asheville, the time and

place of meeting of the said commissioners. And all persons desirous of taking the benefit of this act shall, within ten days next preceding the day appointed for the meeting of the commissioners aforesaid, apply either in person or by agent to the commissioner appointed by the county court of Cherokee county, whose duty it shall be to attend for that purpose, and render unto him a list containing the number of the tracts of land, the district in which they lie, and the number of the sections of all the lands they desire to be valued under the provisions of this act. And the said commissioner shall enter the same in regular order, in a book prepared for that purpose, so that the board of valuation may, when met, proceed in the performance of their duty as herein required. Persons desiring the benefit, &c.

Sec. 4. *Be it further enacted*, That the commissioners aforesaid shall take and subscribe an oath, before some justice of the peace of Cherokee county, that they will, in accordance with the provisions of this act, and to the best of their judgments, value the land aforesaid fairly and impartially as between the purchasers or those entitled to their privileges and the State, and that they will endeavor to do equal and impartial justice between the purchasers themselves; and the said board shall give to each of the purchasers, or the persons entitled to their privileges, whose lands they may value, a certificate setting forth the district and valuation of each tract valued by them as aforesaid. Oath.

Sec. 5. *Be it further enacted*, That the Comptroller of public accounts shall furnish, as soon as may be, after the passage of this act, to the agent of the State, who may be entrusted by law with the collection of Cherokee bonds, a full and complete statement, containing the names of all the purchasers of Cherokee lands at the sale of 1838, who were returned solvent under the act of 1844; also the names of all the purchasers whose lands have been surrendered to the State; which statement shall exhibit the amount of the bonds Statement, Comptroller to furnish.

given for the original purchase of each tract of land, together with the date of the same and the several payments made thereon, together with the date of each payment. And upon the receipt of the said statement, the agent shall proceed upon application of the purchasers aforesaid; and upon their producing the certificate of the board of valuation, showing the amount of the valuation of each tract, to deduct the payments which have been made to the State on each tract, from the valuation thereof, and for the balance due, if any, he shall take from the purchasers, or such other person or persons as may be entitled to the privileges of the original purchaser, bonds with good and sufficient security, payable in four annual instalments.

Of bond to be cancelled.

Sec. 6. *Be it further enacted*, That upon the settlement provided for in the last preceding section being made, and new bonds with good and sufficient security, to be approved of by the agent of the State, being given, the said agent is hereby authorized to cancel and surrender up to said purchasers, their heirs, devisees or assignees all the bonds given to the State for said lands: *Provided, nevertheless*, that in case more than one tract shall be included in the same bonds and only a part of the tracts valued, then and in that case the agent shall not deliver up the bonds to the purchaser, but credit them for the tracts valued upon new bonds being given for such tracts, as in other cases where separate bonds had been given for each tract.

Proviso.

Pay of commissioners.

Sec. 7. *Be it further enacted*, That as a full compensation for the performance by them of the duties herein required, the said board shall be allowed the sum of three dollars each, for every day they may be necessarily engaged in the discharge of the duties herein required, and three dollars for every thirty miles in travelling to and from Murphy, to be paid by the agent of Cherokee lands out of any monies in his hands, upon the affidavits of the members of the board, setting forth the number of days each may have serv-

ed; and their receipts shall be received by the Public Treasurer from the said agent of Cherokee lands as cash, in any future settlement with him; and the said agent shall be allowed such compensation, for the additional services required of him by this act, as the Governor, Treasurer and Comptroller may allow, on satisfactory proof being made to them, of the number of days which the said agent may have served, or such other evidence of the amount of service performed by him under this act.

Sec. 8. *Be it further enacted*, That none of the commissioners herein allowed and authorized to be appointed shall be purchasers of the Cherokee lands or liable on the Cherokee bonds or in any way interested in either.

[Ratified 27th January, 1851.]

CHAPTER XXV.

AN ACT to authorize the sale of Refused Lands owned by the State in the Counties of Cherokee and Macon.

Sections.

1. Commissioners to value land.
2. To furnish occupants and agents with certificate of valuation.
3. Provides that settlers shall have pre-emption rights.
4. Extends this provision to surveyed tracts in Macon; and 5, to settlers on vacant land not heretofore subject to entry.
6. Limits the time for location and payment.
7. Extends the pre-emption right to residents on unsurveyed lands in Cherokee.
8. 9. 10, 11, and 12, relate to certificates, advance payments, cases of two occupants, the time within which pre-emption privilege may be claimed, and taxes.

Preamble.

WHEREAS, in the 4th section of the Act of 1836, which

authorized the survey and sale of lands acquired of the Cherokee Indians, it is provided, "and the principal surveyor, under the direction of the Commissioners, shall cause to be surveyed as much of the said Cherokee lands as in their" opinion will command the sum of twenty cents per acre, and the residue of said land shall remain subject to the disposition of the Legislature, 'and when the surveyed lands are exposed to public sale, land of the *first* quality shall not be sold for less than *four dollars* per acre; and land of the *second quality*, not less than *two dollars* per acre; and lands of the *third quality*, not less than *one dollar* per acre; and lands of the *fourth* quality, not less than fifty cents per acre; and lands of the *fifth* quality, not less than twenty five cents per acre; and whereas a small proportion of the tracts which were surveyed and offered for sale under the above recited act, did not command the minimum price, and consequently yet remain unsold, which it is the interest of the State should be disposed of:

Sec. 1. *Be it therefore enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That it shall be the duty of the Board of Commissioners, who may be appointed under an act "for the relief of the purchasers of Cherokee lands and to secure debts due to the State," in addition to valuing the lands, as therein provided for, to value all the lands which were surveyed under the act of 1836, and which were not sold by the State in 1838; and in fixing a valuation upon said lands, as well as those aforementioned, it shall be the duty of the said board of commissioners to take into consideration the localities of said lands, and the facilities which the purchasers may have in the transportation of their produce to market, and all other circumstances which tend to increase or diminish the value of those lands, except the improvements, which are not to be included in the valuation.

Commissioners to value land.

Sec. 2. *Be it further enacted*, That whereas many poor persons, being destitute of homes, have settled on said lands,

who have made improvements thereon, with the intention of becoming purchasers when they were disposed of, in order to furnish all such persons an opportunity of becoming purchasers, who desire to do so, after said valuation is made, it shall be the duty of said commissioners to furnish each occupant with a certificate, setting forth the district and number of the tract by him or her occupied, and also to furnish the agent of Cherokee bonds with a list of all such tracts valued, setting forth the value of each, and the name of each person entitled, in their opinion, to the pre-emption privilege under this act.

Commissioners to furnish occupants and Agent with certificate, &c.

Sec. 3. *Be it further enacted*, That all persons who reside on any of the tracts of land to be valued under the 2nd section of this act, or have made or own improvements thereon, which add value to the land, shall have a pre-emption right to purchase the lands they or either of them have occupied or improved, at the valuation placed thereon by said board; and upon such person or persons presenting to the agent the certificate of the commissioners, to be issued under the 2nd section of this act, and entering into bonds, with two or more securities, to be approved of by the agent, payable to the State in four annual instalments for the said valuation, it shall be the duty of said agent, upon receiving the said certificates and bonds, to issue a certificate to the purchaser, setting forth the tract by him or her purchased.

Pre-emption right, on certain conditions.

Sec. 4. *Be it further enacted*, That the provisions of the 3rd section of this act shall extend to the surveyed tracts, if any, in the county of Macon, and shall entitle the persons who may reside thereon, or own improvements on said tracts of land, to pre-emption rights to purchase said lands at the minimum price thereof; and, upon giving bonds as required in the 3rd section, shall be entitled to receive of the agents certificates of purchase as therein provided for.

Surveyed lands in Macon embraced.

Sec. 5. *Be it further enacted*, That the rights of pre-emption, provided for in the foregoing sections of this act, shall extend to all settlers upon the vacant lands, in the county of Macon, which have not been subject to entry

Pre-emption to extend to settlers on vacant land in Macon.

under the act of 1836; and upon such person or persons making satisfactory proof to the entry taker, that he or she reside on or have improved any of the vacant lands aforesaid, it shall be his duty to issue a warrant to the surveyor of the county to survey such person one hundred acres, to include his or her improvements; and upon the payment to the State of the sum required to be paid for other vacant lands in said county, the grants shall issue as in other cases of entries upon the lands which have been subject to entry; and the same fees shall be paid to the entry taker, surveyor and Secretary of State.

Time for locating, &c., limited.

Sec. 6. *Be it further enacted*, That the persons entitled to pre-emption privilege, under the 5th section of this act, shall make their locations and pay the money to the State therefor against the first day of August next; after which time all of the said lands that shall remain vacant or not paid for, shall be liable to be entered as other vacant lands are now entered in the county of Macon, to be paid for at the same price, within six months from the time the location is made; otherwise the same shall be void.

Extends the pre-emption right to residents in Cherokee.

Sec. 7. And Whereas many poor persons, being destitute of homes, have also settled upon the unsurveyed lands in the county of Cherokee, which lands were not surveyed under the act of 1836, because they were not considered worth twenty cents per acre; *Be it therefore further enacted*, That all persons who, prior to the first day of January, 1851, resided on any of said lands, or had made any improvements thereon which add value to the land, shall be entitled to a pre-emption privilege to one hundred acres, to include their improvements, at twenty cents per acre; and upon making satisfactory proof to the agent of Cherokee bonds that he or she is entitled to the pre-emption privilege within the meaning of this section of the act, it shall be his duty to issue a certificate to such person claiming the pre-emption privilege, setting forth the location of the hundred acres claimed; and upon such certificate, it shall be com-

petent for the persons entitled to the pre-emption privilege to have the said lands surveyed, at his or her own expense, in a square or oblong square, to include his or her improvements; and duplicate copies of such survey shall be made, one to be forwarded to the Secretary of State, and the other to be presented, with the original certificate of occupancy, to the agent; and upon payment being made to him, one fourth of the price of said land, and upon entering into bonds with two or more securties, to be approved by the agent, payable to the State, in three annual instalments, for the remaining three fourths, to issue to said purchasers certificates of purchase, setting forth the number of the tract, the district in which situated, the number of acres and the price sold for.

Certificates.

Sec. 8. *Be it further enacted*, That the certificates issued to the purchasers under this act, shall entitle them to all rights and privileges the holders of certificates were entitled to under the said act of 1836.

Advance payments.

Sec. 9. *Be it further enacted*, That all persons who make advance payments under this act, shall be entitled to the same discount as provided for under the 12th section of the act of 1836, prescribing the mode of selling Cherokee lands.

Two occupants.

Sec. 10. *Be it further enacted*, That in all cases where two occupants occupy the same lands, or live near each other, unless otherwise agreed upon between themselves, the line shall be run so as to divide the distance equally between their dwelling houses; and in case two persons claim the same improvements and the occupant right thereto, the person having the prior right, unless he has conveyed his claim to the subsequant settler, shall have the right of pre-emption.

Time of priviledge limited

Sec. 11. *Be it further enacted*, That the rights of pre-emption hereby granted to persons residing on, or who own improvements on the surveyed lands in the counties of Macon and Cherokee, and also upon the vacant lands in the last named county, provided for in this act, shall have until the

first day of October next to avail themselves of the pre-emption privilege and to give lands [*bonds?*] as required by this act.

Sec. 12. *Be it further enacted*, That in case the act for the relief of purchasers of Cherokee lands, and this act granting pre-emption rights, shall pass, all lands held under certificates, in the county of Cherokee, shall be liable to the same taxes, both State and county, as other lands in this State.

Taxes.

Ratified 28th January, 1851.

COMMISSIONERS.

CHAPTER XXVI.

AN ACT to enlarge the powers of the Commissioners of the Town of Wilmington.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the commissioners of the town of Wilmington, and they are hereby authorized and empowered to subscribe for one thousand shares of the capital stock of the Wilmington and Manchester Rail Road Company, to be held by the commissioners of the town of Wilmington for the use and benefit of said town.

Stock, may subscribe for.

Sec. 2. *Be it further enacted*, That to enable the commissioners of the town of Wilmington to meet the payments which may be required by the Wilmington and Manchester Rail Road Company, on the stock subscribed for by virtue of the first section of this act, the commissioners of the town of Wilmington are hereby authorized and empowered, from time to time, or at such time or times as to them shall seem fit, to make, execute and deliver their bonds, for the payment of such sums of money as they may think proper, in the aggregate not exceeding one hundred thousand dollars, which said bonds shall be signed by the Magistrate of Police of the town of Wilmington, and sealed with the corporate seal of the commissioners aforesaid. Bonds, may give.

Sec. 3. *Be it further enacted*, That the bonds, so as aforesaid to be executed, shall be payable not less than ten years nor more than twenty from the time of their respective dates; shall severally be for sums not less than five hundred dollars, nor more than ten thousand dollars; shall bear interest not exceeding six per centum per annum; and the interest stipulated to be paid in said bonds respectively shall be payable annually. Bonds—amount—when payable.

Sec. 4. *Be it further enacted*, That the holders or owners of the bonds issued by virtue of this act, or of any one or more of such bonds, shall not be required to include the interest accruing on the same, in their lists of taxable property, and such bonds and the interest accruing or received thereon shall not be subject to any tax whatsoever. Not taxable.

Sec. 5. *Be it further enacted*, That to provide for the payment of the bonds issued by virtue of the provisions of this act, and to provide for the payment of the interest accruing on the same, it shall be lawful for the commissioners of the town of Wilmington, and they are hereby authorized, empowered and required, from year to year, and every year, to assess, levy and collect, on and from the real estate, the white and black polls, and other subjects of taxation, within the limits of the town of Wilmington, such an amount of Tax.

taxes, in addition to the amount required for other purposes, as shall be necessary to pay and discharge the interest annually accruing on such bonds issued as aforesaid; and also to raise a sinking fund sufficient to pay and discharge said bonds whenever the same shall respectively become due and payable.

Stock security.

Sec. 6. *Be it further enacted*, That the shares of the capital stock of the Wilmington and Manchester Rail Road Company, which may by virtue of the provisions of this act, be subscribed for by the commissioners of the town of Wilmington, shall be held by said commissioners as a security for the payment of the bonds to be issued by virtue of the previous provisions of this act, and the interest accruing on the same; and all such dividends or profits as may accrue on the stock aforesaid shall be in the first place applied to the payment of the interest accruing on the bonds issued as aforesaid, and the residue remaining after the payment of such interest shall be applied to and make a part of the sinking fund for the payment and discharge of the principal money due on said bonds.

Rules.

Sec. 7. *Be it further enacted*, That the commissioners of the town of Wilmington are hereby authorized and empowered to adopt all such rules and regulations as shall be necessary to carry into effect the provisions of this act.

Sec. 8. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER XXVII.

AN ACT to amend the eighty-eigth Chapter of the Revissed Statutes.

SECTION

1 Commissioners of Navigation of Wilmington may adopt rules, &c., for arrest of slaves attempting to escape.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the commissioners of Navigation for the port of Wilmington shall be, and they are hereby authorized and empowered, from time to time, to make and establish all such rules and regulations, and to pass all such orders for the port as they may deem judicious, efficient and necessary, for the detection, apprehension or return of slaves escaping or attempting to escape from said port in vessels; and that such commissioners of navigation be further authorized and empowered to establish, and from time to time to alter and regulate the charges and fees of the pilots or harbor masters (as the case may be) of said port, for any services required of them under any rules, regulations or orders made and established by such commissioners of navigation concerning the detection, apprehension or return of slaves attempting to escape as aforesaid. Rules, &c for arrest of fugitive slaves.

Sec. 2. *Be it further enacted,* That hereafter the commissioners of navigation of the Cape Fear shall be elected on the first Monday of May, in each and every year, by the citizens who are entitled to vote for members of the House of Commons of the General Assembly of this State, who reside within the limits of the town of Wilmington; and said election shall be held by the high sheriff of the county of New-Hanover, under the same laws, rules and regulations as the election for members of the Legislature. Election.

Sec. 3. *Be it further enacted,* That all laws and clauses

Repealing clause.

of laws, coming within the meaning and purview of the provisions of this act, be, and the same are hereby repealed; and that this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

COMMON SCHOOLS.

CHAPTER XXVIII.

AN ACT to amend an act of the General Assembly of North-Carolina, passed at the session of 1848-9, entitled "An Act to amend the act now in force on the subject of Common Schools."

SECTION

1 Repeals the clause requiring superintendents to appoint committee-men.

2 Requires the voters, in each district, to elect their school committee.

3 Makes it the duty of the committee to report to the board, and, on failure of the people to elect, the duty of the board to elect committee.

SEC. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the second section of said act, as requires the board of superintendents of common schools to appoint committe-men in and for each school district in their county, be, and the same is hereby repealed.

Repealing clause.

SEC. 2. *Be it further enacted*, That in lieu of the for-

mer regulations upon the subject, it shall be the duty of the people, in each school district, heretofore entitled to vote, to meet at their respective school houses, on the second Thursday of October, in each and every year, and elect their school committee, under the same rules, restrictions and regulations prescribed for their government prior to the act of 1848-9, and that they enter upon their duty on the first Thursday in January following. Voters to elect committee.

Sec. 3. *Be it further enacted*, That said committee so elected shall immediately enter upon the duties of their office, and report to the board of superintendents, at their next meeting to be held on the first Thursday in January following, the election of said committee; and should the people fail to meet and elect their committee, according to the intent of this act, then, in that case, it shall be the duty of the board to appoint the same; any law or usage to the contrary notwithstanding. Report, and of failure to elect.

[Ratified 27th January, 1851.]

CHAPTER XXIX.

AN ACT to amend an act, passed at the session of 1848-49, entitled "An Act to amend the act now in force on the subject of Common Schools."

SECTION

1 Repeals the provision authorizing each county court to levy a tax to pay an agent to visit schools, except in the counties of Craven and Bertie.

Section 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the 4th section of the above recited

act, which authorizes the courts of pleas and quarter sessions of the several counties in this State, in their discretion, to levy annually an additional school tax not exceeding two hundred and fifty dollars, to be applied in employing an agent to visit, at least once a year, each and every school district in the county, be, and the same is hereby repealed:

Proviso. *Provided, however*, that this act shall not apply to the counties of Craven and Bertie.

[Ratified 28th January, 1851.]

CHAPTER XXX.

AN ACT concerning the distribution of the School Fund in the County of Alamance.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in the distribution of the net annual income of the Literary Fund, the Literary Board shall hereafter pay to the chairman of the board of superintendents of Alamance county that portion of the common school fund, to which said county is entitled.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th day of January, 1851.]

CHAPTER XXXI.

AN ACT authorizing the board of Superintendents of the Common Schools for Bertie county to lend out the School Fund in their hands.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the board of superintendents of Common Schools, in the county of Bertie, shall hereafter have the power, in their discretion, by the vote of a majority of the whole number of said superintendents, to lend out the whole or any part of the school fund in their hands, on the conditions hereinafter provided for. Loan requires a majority.

Sec. 2. *Be it further enacted*, That the said board of superintendents shall take bond, from the borrowers of said money, with not less than two securities for the payment of the same, each of whom shall, in the opinion of the majority of said superintendents, be worth at least the amount of money loaned in each case. Bond.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER XXXII.

AN ACT empowering the county courts of Stokes and Forsythe to appoint superintendents of Common Schools, at their March Term, 1851, and for other purposes.

Sec. 1 *Be it enacted by the General Assembly of the State*

of North-Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the court of pleas and quarter sessions, for the county of Stokes, to be held on the second Monday of March, A. D., 1851, (a majority or eighteen justices being present) to appoint superintendents of common schools for said county; and that it shall and may be lawful for the court of pleas and quarter sessions for the county of Forsythe, to be held on the third Monday of March, 1851, to appoint superintendents of common schools for said county; and each of those respective boards shall, within thirty days from their appointment, select one of their number for a chairman of superintendents in said county.

Time of appointment.

Chairm'n.

Sec. 2. *Be it further enacted*, That as soon as the board of superintendents for the counties of Stokes and Forsythe shall have selected their chairman, as above directed, and appointed school committee-men for the different school districts in their respective counties, they are hereby empowered to call on the chairman and board of superintendents appointed for the original county of Stokes, before its division, for the school moneys in their hands; and said board, by its chairman, shall pay to the chairman of superintendents for each of the new counties of Stokes and Forsythe the amount to which each county shall be entitled according to the returns of the census of 1850.

School fund, when it may be called for, &c.

Sec. 3. *Be it further enacted*, That in all future divisions of the school monies to be made after March, 1851, the amount to which the original county of Stokes is entitled, shall be paid to the chairman of superintendents of the new county of Stokes and to the chairman of superintendents of the county of Forsythe, according to the Federal population of each.

Fund, how divided.

Sec. 4. *Be it further enacted*, That when the board of superintendents of the original county of Stokes shall have settled with the boards of Stokes and Forsythe, according to

Original board of Stokes to cease.

the provisions of this act, its duties and official existence shall cease.

Districts. Sec. 5. *Be it further enacted*, That it shall and may be lawful for the board of superintendents for the new county of Stokes, and for the board of superintendents for the county of Forsythe, to enlarge or otherwise change those school districts, in their respective counties, which have been divided by the new line dividing said counties, and also to move to more central locations the school houses in said districts: *Provided*, That the committee-men for that part of a divided district lying in one county, may and are hereby empowered to agree with the committee-men of the other part of said original district, lying in the other county, to employ a single teacher for both, in which case the original district shall not be changed; and shall be entitled to one half the sum allowed for each district of the new county of Stokes, and to one half the sum allowed to each district for the county of Forsythe. Proviso.

Superintendents, appointment of. Sec. 6. *Be it further enacted*, That hereafter it shall be the duty of the said courts of pleas and quarter sessions of the counties of Stokes and Forsythe, to appoint superintendents of common schools, in their respective counties, at the first courts which may be held in the said counties after the first day of January, in each and every year.

[Ratified 28th January, 1851.]

CHAPTER XXXIII.

AN ACT empowering the county courts of Orange and Alamance to appoint superintendents of common schools at their Spring Term, 1851, and for other purposes.

When courts shall appoint.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that it shall and may be lawful for the court of pleas and quarter sessions for the county of Alamance, to be held on the first Monday after the fourth Monday in February, A. D., 1851, (a majority or eighteen justices being present) to appoint superintendents of common schools for said county; and that it shall and may be lawful for the court of pleas and quarter sessions for the county of Orange, to be held on the fourth Monday in February, A. D., 1851, (a majority or eighteen justices being present) to appoint superintendents of common schools for said county; and each of those respective boards shall, within thirty days from their appointment, select one of their number for a chairman of superintendents in said county.

Chairman.

When fund of the counties may be called for.

Sec. 2. *Be it further enacted*, that as soon as the board of superintendents for the respective counties of Orange and Alamance shall have selected their chairman as aforesaid, and appointed school committee-men for the different school districts in their respective counties, they are hereby empowered to call on the chairman and board of superintendents for the original county of Orange, before its division, for the school monies in their hands; and said board, by its chairman, shall pay to the chairman of superintendents for each of the new counties of Orange and Alamance the amount to which each county shall be entitled according to the return of the census of 1850.

Sec. 3. *Be it further enacted*, That in all future divisions of the school moneys, to be made after February, 1851, the amout to which the original county of Orange is

entitled shall be paid to the chairman of superintendents of the new county of Orange and to the chairman of superintendents of the county of Alamance, according to the federal population of each. Division of fund.

Sec. 4. *Be it further enacted*, That when the board of superintendents of the original county of Orange shall have settled with the boards of Orange and Alamance, according to the provisions of this act, its duties and official existence shall cease. Original board to cease.

Sec. 5. *Be it further enacted*, That it shall and may be lawful for the board of superintendents for the new county of Orange, and for the board of superintendents of the county of Alamance, to enlarge or otherwise change those school districts, in their respective counties, which have been divided by the new line dividing said counties, and also to move to more central locations the school houses in said districts: *Provided*, that the committee-men for that part of a divided district, lying in one county, may, and are hereby empowered to agree with the committee-men of the other part of said original district, lying in the other county, to employ a single teacher for both; in which case the original district shall not be changed, and shall be entitled to one half the sum allowed for each district for the new county of Orange, and to one half the sum allowed to each district for the county of Alamance. Districts. Proviso.

Sec. 6. *Be it further enacted*, That hereafter it shall be the duty of the said courts of pleas and quarter sessions of the counties of Orange and Alamance to appoint superintendents of common schools, in their respective counties, at the first courts which may be held in said counties after the first day of January, in each and every year. Superintendents, when court shall appoint.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

COUNTIES & COUNTY REGULATIONS.

CHAPTER XXXIV

AN ACT to lay off and establish a County by the name of Hooper.

SECTION

1 Constituted of parts of Robeson and Richmond.

2 Leaves the division to the choice of the people.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That a county be and is hereby laid out and established, by the name of Hooper, (in honor of the signer of the Declaration of Independence) to be constituted of parts of the counties of Richmond and Robeson, beginning at the point of separation of the boundary of Cumberland and Robeson counties, near the Turnpike bridge, on Lumber river, and running thence a direct line to Buchannan's mill on Gum swamp; thence down the run of said Swamp to Malloy's mill; thence a direct line from said mill to the Rockdale mill on Joe's Creek; thence along the Eastern side of the Adamsville road to its intersection with the State boundary line of North and South Carolina; thence along said boundary to the point nearest to Duncan Carmichael's dwelling house, in Marion District, South Carolina; and from said point, a direct line, to the twelve mile post in the Southern end of Mrs. McLauchlin's lane, on the Eastern side of Lumber river; thence, a direct line, to the Eastern end of the Old Fort causeway across the Raft Swamp; thence, a

Boundaries.

direct line, North thirty degrees East to the Cumberland county line; thence with that line to the beginning.

Sec. 2. *Be it further enacted*, That the said county of Hooper be invested with all the rights, privileges and immunities of the other counties of this State: *Provided* a majority of the qualified voters for Members of the House of Commons, in the counties of Richmond and Robeson, shall vote for the division aforesaid, at an election to be held according to the provisions of an act to be passed supplemental to this act. Rights. Proviso.

[Ratified 27nd January, 1851.

CHAPTER XXXV.

AN ACT supplemental to an Act, passed by the present General Assembly, entitled "An Act to establish a new county by the name of Hooper.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the County of Hooper shall be, and is hereby invested with all the rights, privileges and immunities of the other counties of this State, except as hereinafter provided. Rights.

Sec. 2. *Be it further enacted*, That John H. Alford, William Brown, Daniel McNeill (calder), Alex'r. McMillan and John Gilchrist, Sen'r., of Robeson county; John L. Fairly, William Graham, Daniel McNeill, Milton McIntosh, of Richmond county, are hereby appointed Commissioners to select and determine upon a site for the erection Commissioners to choose site for C. H.

of a suitable Court House and Jail for said county, on a proper location within the circumference of five miles from Centre Church, to be determined by a majority of said commissioners.

Town, land for laying off, &c.

Sec. 3. *Be it further enacted*, That a majority shall have power to purchase, or receive by donation, a tract of land containing no less than twenty five acres, nor more than one hundred, to be conveyed to the chairman of the county court of said county and his successors in office, upon which a town shall be laid off where the Court House and jail shall be erected; and after their completion, the court of said county shall be held, and the clerks and registers shall keep their offices. The commissioners shall also lay off the lots of said town and form a plan thereof to be filed in the office of the clerk of the County Court, and after designating such as shall be kept for public use, shall expose to sale, after due notice, the remainder of the lots or such portion of them as they may deem necessary, from time to time, at public auction, on a credit of six and twelve months, and shall take from the purchasers bonds with good security for the purchase money, made payable to the chairman of the County Court and his successors in office; and the chairman shall execute titles for the same on the payment of the purchase money, which monies shall be applied to building the Court House and jail.

Justices and officers.

Sec. 4. *Be it further enacted*, That the jutices of the peace and officers of the militia, who reside within the county of Hooper, shall hold and exercise the powers and authorities in and for said county, that they respectively held in the counties of Richmond and Robeson.

County Courts, when holden.

Sec. 5. *Be it further enacted*, That County Courts of Pleas and Quarter Sessions shall be, and are hereby established, in and for the county of Hooper, to be held by the justices of said county on the third monday in May, August, November and Febuary, in each and every year; and that the first session of said court shall be held on the 3rd Mon-

day in May, 1851, at such place as a majority of the above commissioners may designate, to be entered of record under the direction of the court, and at the same place, from time to time, until a seat of justice shall be established for said county, as is hereby provided, unless the said court, or any subsequent one, shall appoint the place of its next session; and at the first session of said court, a majority of the justices of Hooper being present, the court shall elect a clerk of the county court, a sheriff, coroner, register, entry taker, surveyor, county trustee, and wardens of the poor, who shall enter into the bonds required by law; and they shall hold and continue in office until successors are duly appointed according to the acts of the General Assembly in such cases made and provided.

Powers of county courts.

Sec. 6. *Be it further enacted*, That the court of pleas and quarter sessions hereby established shall possess and exercise the same powers, authorities and jurisdictions, as are possessed and exercised by other county courts in this State, under the public laws of the State, excepting always the trial of issues of fact by the intervention of a jury; and therefore no *venire* shall be issued to summon jurors to any of said courts: *Provided however*, that an inquisition by a jury, on the sanity or insanity of persons suspected of being *non compos mentis*, shall not be included in the above exception, but the courts of the respective counties of Richmond and Robeson shall continue to hold jurisdiction in all cases when the intervention of a jury may be necessary, as heretofore practiced, until the close of the next session of the General Assembly.

Imprisonments.

Sec. 7. *Be it further enacted*, That any person or persons within the county of Hooper, liable to imprisonment on any process, civil or criminal, shall be committed to the jail of the county from which the territory was detached, on which he resides, or the criminal act was perpetrated.

Sheriffs.

Sec. 8. *Be it further enacted*, That nothing in this act shall be so construed as to prohibit the sheriffs of the coun-

ties of Richmond and Robeson from performing their official duties in the detached parts of their respective counties as heretofore, under the same liabilities as heretofore, and for the same fees, until the close of the session of the next General Assembly, except as hereinafter excepted.

Taxes.

Sec. 9. *Be it further enacted*, That nothing in this act shall prevent the sheriffs of Richmond and Robeson from collecting arrears of taxes in the detached parts of their respective counties included within the county of Hooper, in the same manner as they could have done previous to the erection of said county: *Provided, nevertheless*, that the said sheriffs shall not collect any taxes in the county of Hooper, or of the citizens of said county, which have been imposed by the county courts of Richmond and Robeson, which are to be collected in the year 1851, but that the said taxes shall be collected by the sheriff of Hooper county upon the tax duplicates of the county court clerks of the respective counties; nor shall the sheriffs of Richmond and Robeson be allowed to collect any other taxes in the county of Hooper, except as hereinbefore allowed in regard to arrears.

Representation and elections.

Sec. 10. *Be it further enacted*, That the county of Hooper shall continue to be represented in the General Assembly, as heretofore, under returns of Richmond and Robeson, and the elections of the members of the General Assembly, members of Congress, electors of President and Vice President, and Governor, shall be held by the sheriffs of Richmond and Robeson, in their respective counties, under the same rules and regulations as heretofore; and the county courts of Richmond and Robeson are hereby authorized and required to appoint inspectors for holding elections as heretofore within those detached parts of their respective counties, included in the county of Hooper; and the literary fund shall be distributed in the detached parts of Richmond and Robeson as heretofore.

School fund.

Sec. 11. *Be it further enacted*, That the commissioners heretofore appointed, or a majority of them, shall shortly

after the 1st session of the county court of Hooper county, contract for and superintend the building of a Court House and jail for the county of Hooper; and the said county court, at its first session, shall impose the public and necessary county taxes for the county of Hooper, subject to such rules, regulations and restrictions as regulate other county courts in similar acts, both for imposing, collecting and paying over all under the general laws in such cases made and provided. Court House, jail, and taxes.

Sec. 12. *Be it further enacted*, That an election shall be held, at the several precincts established for holding elections, in the counties of Richmond and Rebeson, on the first Thursday in May next, to ascertain the sense of the qualified voters in said counties, on the question of establishing the county of Hooper from part of those counties, as described in the act to which this is supplemental; and it shall be the duty of the county court of Richmond, at its session in April, 1851, and also it shall be the duty of the county court of Robeson, at its session in February, 1851, to appoint judges and inspectors, for the respective counties, to hold and superintend said election, at the several precincts aforesaid: the said judges and inspectors, who, after taking an oath honestly, fairly and impartially to discharge their duty, shall hold said election at the time above mentioned; and the judges and inspectors of each county shall report the result of the same to the sheriff of their respective counties, under the same rules and regulations and liabilities as are now required by law for holding elections for members of the General Assembly. Election to decide on new county.

Sec. 13. *Be it further enacted*, That it shall be the duty of said sheriffs to meet on the first Saturday after said election, at Stewartsville, in Richmond county, then and there, in the presence of three freeholders summoned for that purpose by the sheriff of Richmond, to compare the polls in the said counties of Richmond and Robeson; and if, after examination, it shall be found that a majority of votes have been given in favor of establishing the county of Hooper, then it shall be the duty of said sheriffs to forward to the Gov- Counting votes and proclamation.

ernor of the State a certificate of the same within ten days after said election, and then the Governor shall make known the fact by proclamation; upon which, this act, and the act passed at this General Assembly, to which this act is supplemental, shall be operative and take effect; otherwise both of said acts shall be null and void.

Compensation of Sheriffs.

Sec. 14. *Be it further enacted,* That the Sheriffs of Richmond and Robeson counties shall be entitled to the same compensation for making the return of the result of said election to the Governor that they are now by law allowed for making the return of the election of members of the General Assembly.

Commissioners to run boundary.

Sec. 15. *Be it further enacted,* That John L. Fairly and Malcom Purcell be appointed surveyors to run and mark the boundary lines of said county of Hooper, and that they enter on this duty as soon as may be *practical,* upon its being ascertained and proclaimed by the proclamation of the Governor aforesaid, that a majority of the qualified voters of the counties of Richmond and Robeson are in favor of establishing the county of Hooper, as proposed by the act to which this is supplemental.

Sec. 16. *Be it further enacted,* That this act shall be in force from and after its ratification.

Ratified 28th January, 1851.

CHAPTER XXXVI.

AN ACT to lay off and establish a County by the name of Madison.

SECTION
1 To be established out of portions of Buncombe and Yancy.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That a county by the name of Madison shall be, and the same is hereby laid off and established out of portions of Buncombe and Yaney counties, in the following bounds: Beginning on the Paint Rock on the Tennessee line, and running with that line East to the top of the ridge that divides the waters of Ivy and Laurel from the waters of Caney River; then, with the top of said ridge, by way of Ivy Gap and Point Gap, and passing the same to a ridge that divides the waters of Big Ivy from those of Little Ivy, being a spur of the Black Mountain; thence with the top of that ridge to the junction of Big Ivy and Little Ivy; thence a direct course to the mouth of Sandy Mush Creek; thence up said creek to the forks thereof; thence with the top of the ridge that divides the waters of Big and Little Sandymush Creeks, to the Haywood line; thence with said line to the line of the State of Tennessee and with the same to the beginning; and the said county shall be, and is hereby invested with all the rights, privileges and immunities of the other counties in this State. Boundaries.

[Ratified 27th January, 1851.]

CHAPTER XXXVII.

AN ACT supplemental to an act, passed at the present General Assembly, entitled "An Act to lay off and establish a county by the name of Madison."

Rights.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the county of Madison shall be and is hereby invested with all the rights, privileges and immunties of other counties in this State, except as is hereinafter provided.

Commissioners to run lines.

Sec. 2. *Be it further enacted*, That Nehemiah Blackstocks, T. C. Profit and John W. Peck, be, and they are hereby appointed commissioners to run and mark the line between the county of Buncombe and the county of Madison, and between the county of Yancy and the county of Madison; and they shall make report thereof, under their hands and seals, to the county courts of each of said counties, which reports shall form record in said courts; and said commissioners shall each be paid by the county in which he resides such compensation as the county courts shall allow.

Justices and officers.

Sec. 3. *Be it further enacted*, That all the justices of the peace and militia officers, who reside within the limits of Madison, shall continue to hold and exercise all their official powers, for and in said county, that they have heretofore had and exercised in the counties of Buncombe and Yancy respectively.

Sheriffs.

Sec. 4. *Be it further enacted*, That the constables now residing in the county of Madison and the Sheriffs of Yancy and Buncombe, in their respective portions of said county, shall continue to hold and exercise their said offices, and perform all the duties pertaining thereto, until the first county court to be held for said county, under the same rules, regulations and penalties as they are now subject to.

Sec. 5. *Be it further enacted*, That the first county court for said county, shall be held at the tavern house of Adol-

phus E. Baird, on the last Monday in February, 1851, with power to adjourn to any place that a majority of the justices of the peace for said county may determine; and thereafter on the second Monday after the fourth Monday in June and December, and on the third Monday after the fourth Monday in March and September in each and every year, and at such place as the majority of the justices of the county court of said county may designate, until the Court House for said county shall be built. And at the first term of said court, a majority of the justices being present, they shall proceed to elect a clerk, sheriff, coroner, register, county trustee, one or more surveyors, constables, solicitor, and all other officers for said county, who shall enter into bond as required by law, and shall hold and continue in said offices until successors are duly chosen and qualified, according to acts of Assembly in such cases made and provided. Time of holding county court and election of officers.

Sec. 6. *Be it further enacted*, That the court of pleas and quarter sessions established by this act shall exercise the same power, authority and jurisdiction that is possessed and exercised by other courts of pleas and quarter sessions in other counties in this State, and shall possess exclusive jurisdiction of all offences committed within the limits of Madison county, of which the county courts of other counties in this State have jurisdiction, until a Superior Court is established in said county. Powers of county court.

Sec. 7. *Be it further enacted*, That all criminal cases which may be committed in the county of Madison, which are cognizable only in the Superior Courts of Law, shall be cognizable in the Superior Courts of Buncombe and Yancy respectively, as if this act had not been passed, until the establishing of the Superior Courts of Law for said county. Criminal cases.

Sec. 8. *Be it further enacted*, That all persons who shall be liable to any imprisonment, under any process, either civil or criminal in Madison county, before the completion of a jail for said county, shall be committed to the jail of Buncombe or Yancy county. Imprisonment.

Process.

Sec. 9. *Be it further enacted*, That all process issued to either of the sheriffs of Buncombe or Yancy, before the election of a sheriff for Madison, shall be executed by them respectively, as if this act and that to which this is a supplement had not been passed.

School fund.

Sec. 10. *Be it further enacted*, That until otherwise provided, the distribution of the school fund shall be made in said county, as if this act, and the act establishing Madison county had not been passed.

Representation and elections.

Sec. 11. *Be it further enacted*, That that portion of the county of Madison that was taken from Buncombe county, shall, until otherwise provided, be represented, as heretofore, with and as a part of Buncombe; and that portion taken from Yancy shall continue to vote and be represented with and as a part of Yancy county, as heretofore; and all elections of Members of Assembly and Members of Congress, and for electors of President and Vice President, shall be held by the sheriffs of Buncombe and Yancy, as heretofore.

Commissioners to select site for Court House, &c.

Sec. 12. *Be it further enacted*, That John Roberts, Esq., Joshua Young, John A. Fagg, Noah Morgan, William Baldwin, Thomas Gardner and Charles Moore, be, and they are hereby appointed commissioners to select and determine upon a site for a permanent seat of justice for said county, having due regard to the territory and population and all the interests of said county; and in case five of said commissioners shall not concur in any one point, then they shall name two points, one of which shall not be within two miles of the French Broad River; and in that event, the one or the other of such points shall be decided on by the votes of the qualified voters for the House of Commons in said county, at elections to be held as the county court of said county shall prescribe; and when it is reported to said commissioners, by the sheriff of said county, that either of said points has received a majority of the votes polled, it shall be the duty of said commissioners, or a majority of them, to locate and lay

off said town within one mile of such point named, and receive by donation, or purchase, not less than twenty-five, nor more than one hundred acres of land, which shall be conveyed to the chairman of the county court and his successors in office, for the use of the said county; and the five first named commissioners shall lay off the lots and streets of said town, which shall be called MARSHALL, and shall be the seat of justice for said county; and after designating such of the lots as shall be kept for public purposes, the said commissioners shall, after forty days public notice, expose said lots (or such of them as they may think should be sold) to sale at public auction, on a credit of one and two years, taking bond and security of the purchasers therefor, payable to the chairman of the county court for said county; and the bonds shall be handed over to said chairman for the use of the county.

Bonds for lots to build Court House, &c.

Sec. 13. *Be it further enacted*, That the county court of Madison county, a majority of the justices being present, shall appropriate the bonds received for the sale of the lots, or so much thereof as is necessary for the building of a Court House and jail, on such lot or lots in said town, as shall be assigned for the purpose; and if the said bonds are not paid at maturity, they may be put in suit, and collected in the name of the chairman or his successor, and the proceeds be applied as hereinbefore provided.

Academies and churches.

Sec. 14. *Be it further enacted*, That at least two convenient lots in said town shall be set apart by said commissioners for the purpose of building a male and female academy, and they shall set apart at least four lots which the county court shall have conveyed to the use of such churches as apply for the use of them as places of public worship; all of which shall be conveyed without charge.

Superior Court.

Sec. 15. *Be it further enacted*, That there shall be a Superior Court of Law opened and held for the county of Madison, on the Monday after the fourth Monday in September, 1851,

and on the second Monday after the fourth Monday in March and September, in each and every year thereafter; and said court shall be held at such place as the justices of the county court shall appoint for holding the county courts of said county, until a Court House is completed for said county, and thereafter in such Court House.

Attached to 7th circuit.

Sec. 16. *Be it further enacted*, That the county of Madison shall form part of the seventh judicial circuit, and the Spring and Fall terms of the county courts of Madison county shall be held on the same week with the Superior Courts.

Appointment of clerk.

Sec. 17. *Be it further enacted*, That the Judge who holds the courts of the seventh judicial circuit, at Spring Term, 1851, shall appoint a clerk of the Superior Court of Law for Madison county, and shall take bond and security of, and administer the oaths of office to such clerk, either in court in Buncombe or Yancy, and make a record thereof; and such appointment and bond shall be as valid as if taken in court in Madison: *Provided*, that no one but a citizen of Madison county shall be eligible to said office, and he shall continue in office until the successor is qualified after the next regular election of clerks; and said clerk shall have power to issue writs and all other process to the Fall Term, 1851, of said court, that other clerks of Superior Courts of Law have.

Transfer of causes.

Sec. 18. *Be it further enacted*, That all the civil causes that shall remain on the Superior Court dockets of Buncombe or Yancy county, after the 20th day of August, 1851, in which both plaintiff and defendant are citizens of Madison, shall be transferred to the county of Madison for trial, by the clerks respectively of said courts of Buncombe and Yancy, under the same rules and regulations that govern the removal of causes from one county to another, except that no affidavit or order of the court shall be necessary; and it shall be the duty of said clerks to deliver the transcripts of record of such suits to the clerk of the Superior Court of Law of Madison county, at least ten days before the Fall Term, 1851, of

said court; and all of said causes shall then stand ready for trial at that term: and it shall be the duty of the clerk of said court to prepare a docket for the trial causes, and to place the causes transmitted in the same order that they stood on the dockets of Buncombe and Yancy.

[Ratified 28th January, 1851.]

CHAPTER XXXVIII.

AN ACT to establish a new county by the name of Jackson.

SECTION
1 Erected out of portions of Haywood and Macon.

Sec. 1 *Be it enacted of the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all that part of the counties of Haywood and Macon included within the following bounds, to wit; Beginning on the extreme height of the Scott's Creek mountains, where the State road crosses; thence with the top of that mountain, which divides the waters of Pigeon river from the waters of Tuckasege, near to the line that divides the counties of Henderson and Haywood; thence with said line to the line which divides the States of North and South Carolina; thence with a line to be run from said line to the top of the Fodderstack mountain, so as to include William Barns' plantation within the new county; thence with the top of said mountain to the Whiteside mountain; thence to the top of the Cowwee mountain, to where the State road crosses it; thence with the top of the said mountain, which

Bounds.

divides the waters of Tuckasegee river from the waters of the Tennessee river to the top of the mountain at the head of Alarka Creek; thence along the top of said mountain, and the ridge that divides the waters of Alarka creek from those of Tuckasegee river to the Tuckasegee river opposite the mouth of Forncey's creek; thence with the top of the first ridge below said creek to the top of the Smokey mountain, on the Tennessee line; thence with said line and the top of said mountain to where the Oconalufta Turnpike road crosses it; thence with the top of said mountain to the Bald mountain, that divides the waters of Oconalufta from the waters of Cattaloocha creek; thence along the dividing ridge to where the Loco and Jonathan creek road crosses; thence on the top of the Balsam mountain that divides the waters of Richland creek from the waters of Tuckasegee river to the beginning, at the State road; be, and the same is hereby erected into a separate and distinct county, by the name of Jackson, with all the rights, privileges and immunities that other counties in this State have and enjoy.

[Ratified 29th January, 1851.]

CHAPTER XXXIX.

AN ACT providing for the administration of public justice in the county of Jackson.

Courts, jurisdiction of.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Superior Courts of Law and Equity and Courts of Pleas and Quarter Sessions for the counties of Haywood and Macon, respectively, shall have the same jurisdiction in all matters pertaining to the administration of public justice, within the county of Jackson, as said courts heretofore had and exercised therein.

Justices, &c.

SEC. 2. *Be it further enacted*, That the justices of the peace, constables and other public officers, heretofore appointed and living within the territory of Jackson, shall have and exercise the same powers and privileges, and be subject to the same penalties, and amenable to the same tribunals, as heretofore.

Sheriffs.

SEC. 3. *Be it further enacted*, That the sheriffs of Macon and Haywood counties, respectively, shall have power to execute all process directed to them within the territory of Jackson county, in the same manner, and under the same rules, regulations and restrictions, as before the passage of the act establishing the said county of Jackson.

[Ratified 29th January, 1851.]

CHAPTER XL.

AN ACT to lay off and establish a new county by the name of Yadkin.

SECTION
1 Erected out of a portion of Surry county.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That a county be, and the same is hereby laid off and established out of that portion of the county of Surry, which lies South of the Yadkin river, and also including that portion of the county of Surry known and called by the name of Little Surry, said county to be called Yadkin; and that said county of Yadkin shall be invested with all the rights, privileges and immunities of the other counties in this State: *provided* a majority of the free white men entitled to vote for members of the House of Commons, in the present county of Surry, shall vote for the same, the sites for the new Court Houses being first fixed on at or near to the centre of the new counties; the manner and time in which such vote shall be taken, and the sites for said Court Houses fixed on, to be prescribed by a supplemental law to be passed at this General Assembly.

[Ratified 28th December, 1850.

CHAPTER XLI.

AN ACT supplemental to an act, passed by the present General Assembly, entitled "An Act to lay off and establish a new county by the name of Yadkin."

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the county of Yadkin shall be, and it is hereby invested with all the rights, privileges and immunities of the other counties of this State, except as hereinafter provided. Rights.

Sec. 2. *Be it further enacted,* That Alfred W. Martin, William C. DeJournett, Solomon Vestal, John Shores, Sen'r. and Thomas Martin, are hereby appointed commissioners to select and determine upon a site for a permanent seat of justice in said county, who shall locate the same as near the centre of said county, as a suitable location can be obtained, taking into consideration both the extent of territory and population; and a majority of said commissioners shall have power to act; and said commissioners shall have full power and authority, if they should deem it necessary, to employ a suitable surveyor or surveyors to aid and assist them in selecting a county site as aforesaid. Commissioners to locate Court House.

Sec. 3. *Be it further enacted,* That said commissioners, or a majority of them, shall have power to purchase or receive, by donation, for the county of Yadkin, a tract of land containing fifty acres, to be conveyed to the chairman of the county court of said county, and his successors in office, upon which a town shall be laid off and called by the name of Wilson, where the Court House and jail shall be erected, and where, after the completion of said Court House, the courts of said county shall be held, and the clerks and register shall keep their offices; and the said commissioners shall lay off the lots of said town, and, after designating such as shall be retained for public uses, shall expose, after due notice, the balance, or such portion thereof as may be deemed by them Land for laying off town, &c.

necessary, at public auction, upon a credit of one and two years, and shall take from the purchasers bonds and security for the purchase money, made payable to the chairman of the county court and his successors in office; and upon the payment of the purchase money, the chairman or his successors shall execute title therefor, which money shall be appropriated to the building of a Court House and jail.

Justices and officers.

Sec. 4. *Be it further enacted*, That the justices of the peace and officers of the militia who reside within the limits of Yadkin county, shall continue to hold and exercise all the official powers and authorities in and for said county, that they had hitherto held and exercised in the county of Surry.

Sheriff, trustee, constabl's, &c.

Sec. 5. *Be it further enacted*, That Henry G. Hampton, sheriff of Surry county, and Theophilus C. Hauser, county trustee for said county, and Samuel Spears, Sr., Surveyor for said county, and all constables, now residing within the limits of Yadkin county, shall continue to hold their respective offices in said county, and perform all duties appertaining thereto, until the expiration of the term of office for which they have been chosen, under the same rules, and regulations and penalties as sheriffs, trustees, surveyors and constables are subject to in this State.

County court, when and where held, and officers to elect.

Sec. 6. *Be it further enacted*, That a court of pleas and quarter sessions shall be and the same is hereby established in and for the county of Yadkin, to be held by the justices of the peace of said county, on the first Monday in January, April, July and October, in each and every year; and that the first session of said court shall be held at Dowelltown, on the first Monday in July, A. D., 1851, and at the same place, from time to time, until a seat of justice shall be established for said county as is hereby provided; and at the first session of said court, a majority of the justices being present, they shall elect a clerk of the court of pleas and quarter sessions of said county, a county attorney, coroner, register, entry taker, and all other officers for said county, who shall enter into the bonds required by law, and shall hold and con-

tinue in said offices until successors are duly chosen and qualified according to the acts of the General Assembly, in such cases made and provided; that said court may, at its said first session, appoint the place of its subsequent sessions, and also of the Superior Court, until a Court House shall be erected for said county of Yadkin.

Transfer of suits.

Sec. 7. *Be it further enacted*, That the court of pleas and quarter sessions hereby established, shall possess and exercise the same powers and authorities and jurisdictions as are possessed and exercised by the other county courts in this State; and all suits of law of which other county courts of other counties in this State have jurisdiction, now pending in the county court of Surry, wherein the citizens of Yadkin county are both plaintiff and defendant, or where the citizens of Yadkin county are defendants, and all indictments and criminal proceeding against the citizens of Yadkin county, in the county courts of Surry, of which other county courts in this State have jurisdiction, shall be transferred in the same manner now provided for transferring suits from one county to another.

Superior court.

Sec. 8. *Be it further enacted*, That there shall be a Superior Court of Law and Equity opened and held at Dowellton, in said county of Yadkin, on the tenth Monday after the fourth Monday in March and September, in each and every year (the first session of which court shall be opened and held on the tenth Monday after the fourth Monday in September, 1851) at the same place, from time to time, until a Court House shall be built as provided for in this act, and then and thereafter, at the town and Court House, on the tenth Monday after the fourth Monday in March and September, in each and every year, which court shall have the same jurisdiction that Superior courts of Law and Equity in the several counties in this State now have and exercise.

Transfer of suits.

Sec. 9. *Be it further enacted*, That all suits in Law or in Equity now pending in the Superior Courts of Surry county, of which the Superior Courts of this State have ju-

risdiction, and wherein both plaintiff and defendant are citizens of Yadkin county, or wherein the citizens of Yadkin county are defendants, and all indictments and criminal proceedings against the citizens of Yadkin county, which shall be pending in the Superior Court of Surry county, and which are cognizable in the Superior Courts of this State, shall be transferred to the first Superior Court of Law and Equity to be held for the county of Yadkin, commencing on the tenth Monday after the fourth Monday in September, 1851, in the same manner as is now prescribed by law for transferring suits from one county to another.

Jurisdiction of criminal cases.

Sec. 10. *Be it further enacted*, That until the time of holding of the first Superior Court of Law and Equity as provided for in this act, in the county of Yadkin, the Superior Court of Surry county shall have jurisdiction of all criminal offences, cognizable in the Superior Courts of this State, which shall be committed in said county of Yadkin; and in all such cases, it shall be the duty of the justices of the peace of Yadkin county, when they give judgments against the defendants, in any State warrant for offences aforesaid, to bind over defendants and witnesses, and make their returns to the Superior Court of Surry as they were heretofore bound to do.

Imprisonment.

Sec. 11. *Be it further enacted*, That all persons who may be liable to imprisonment under process, either civil or criminal in Yadkin county, before the completion of the jail therein, shall be committed to the jail of Surry county.

Collections.

Sec. 12. *Be it further enacted*, That nothing in this act contained shall be so construed as to prohibit the sheriff of Surry county, as aforesaid, from collecting such sum or sums of money as are due or may become due on any judgment where the execution shall come to his hands before the first term of the court of pleas and quarter sessions for Yadkin county, nor shall it be construed so as to prevent him from collecting any executions issuing from the Superior Court of Surry county and returnable to the same.

Sec. 13. *Be it further enacted*, That nothing in this act is to be construed so as to prevent the sheriff, as aforesaid, of Surry county, from collecting all arrears of taxes and all public dues and taxes collectable in the year 1851, in the same manner he could have done previous to the erection of the new county of Yadkin, both in the counties of Surry and Yadkin. Arrears of taxes.

Sec. 14. *Be it further enacted*, That the county of Yadkin shall continue to be represented in the next General Assembly of this State, in the name of Surry, as heretofore; and the election for the members of the General Assembly, Members of Congress, Electors of President and Vice President of the United States, and Governor of the State, shall be held by the sheriff of the county of Surry, under the same rules and restrictions as hitherto; and the court of pleas and quarter sessions for the county of Surry is hereby authorized and required to appoint inspectors for holding elections for the Members of the General Assembly, Members of Congress, Electors of President and Vice President of the United States, and Governor as heretofore: *Provided*, That all other elections shall be held in the county of Yadkin in the same manner and under the same rules and regulations as are now provided for holding elections in this State in other counties. Representation and elections.

Sec. 15. *Be it further enacted*, That in the distribution of the nett annual income of the Literary Fund, the Literary Board shall pay over, as heretofore, to the chairman of the Board of superintendents of the county of Surry, and be distributed by them as heretofore until the next General Assembly. School fund.

Sec. 16. *Be it further enacted*, That the county of Yadkin shall compose a part of the sixth judicial circuit; and the Judges and Solicitor of said circuit shall attend said courts, under the same provisions and liabilities and regulations as apply to the other counties of said circuit. Attached to 6th circuit.

Sec. 17. *Be it further enacted*, That the Judge who shall ride the Fall circuit, in the year, A. D., 1851, of the sixth Clerks.

Judicial circuit of this State, shall appoint a clerk of the Superior Court, a clerk and master in equity for said county of Yadkin.

Commissioners.

Sec. 18. *Be it further enacted*, That the county court of Yadkin, at its first session, a majority of the justices of the peace being present, shall appoint such number of commissioners as may be deemed necessary to contract for and superintend the building of a Court House and jail for said county of Yadkin.

Paupers.

Sec. 19. *Be it further enacted*, That all paupers now in the poor house of the county of Surry, that came from the county of Yadkin, be returned to the said county of Yadkin, on or before the first day of August, A. D., 1852, and that all moneys belonging to the poor fund of Surry county, be divided, at the same time the paupers are returned, among the several paupers, thus to be divided between the counties of Surry and Yadkin, *pro rata*.

Site for Court House for Surry.

Sec. 20. *Be it further enacted*, That Elisha Bonner, Jacob L. Fulk, John Jarvis, Elijah Thompson and Daniel S. Jones, are hereby appointed commissioners to select and determine upon a site for a permanent seat or justice for Surry county, who shall locate the same as near the centre of said county as a suitable location can be obtained, taking into consideration both the extent of territory and population; and a majority of said commissioners shall have power and authority to act; and said commissioners shall have full power and authority to employ a suitable surveyor or surveyors to aid and assist them in selecting said site.

Laying off town, &c.

Sec. 21. *Be it further enacted*, That a majority of said commissioners shall have power to purchase, or receive by donation, for the county of Surry, a tract of land containing fifty acres, to be conveyed to the chairman of the county court of said county and his successors in office, upon which a town shall be laid off and called by the name of Dobson, and where the Court House and jail shall be erected, and where, after the completion of said Court House, the courts

of said county shall be held, and the clerks and register shall keep their offices; and the said commissioners shall lay off the lots of said town, and, after designating such as shall be retained for public uses, shall expose, after due notice, the balance or such portion thereof as may by them be deemed necessary, at public auction, on a credit of one and two years, and shall take from the purchasers bonds and security for the purchase money, made payable to the chairman of the county court and his successors in office; and upon the payment of the purchase money, the chairman or his successors shall execute title therefor, which money shall be appropriated to the building of a Court House and jail.

Building C. H. and jail.

Sec. 22. *Be it further enacted*, That the county court of Surry, at May or August term, a majority of the justices of the peace being present, shall appoint such number of the commissioners as may be deemed necessary to contract for and superintend the building of a Court House and jail for the county of Surry.

Sheriff and trustee.

Sec. 23. *Be it further enacted*, That at May Term, 1851, of Surry county court, a majority of the justices of the peace being present, it shall be their duty to elect a sheriff and county trustee for said county of Surry, who shall enter into bond and security, as required by law, until the next regular election for the same shall take place.

Apportionment of debt.

Sec. 24. *Be it further enacted*, That Samuel Spear, Sr., and Theophilus C. Hauser, on the part of the county of Yadkin, and Charles Whitlock and Job Worth, on the part of the county of Surry, be appointed commissioners to apportion any debt which may be due from the original county of Surry between the two counties, in such manner as to them or a majority of them may seem just and equitable; and that their apportionment and division shall be binding and final between the two counties.

Commissioners to select sites.

Sec. 25. *Be it further enacted*, That the commissioners in this act appointed to select and determine on sites for the Court Houses in said counties of Surry and Yadkin, shall

be required (under a penalty of one hundred dollars each, to be recovered in any court having jurisdiction of the same, by any person who may sue for the same,) to select and determine on said sites, on or before the 10th day of April, A. D., 1851, and to advertise the same at the Court House in Rockford and four other public places in each of the counties.

Compensation.

Sec. 26. *Be it further enacted*, That all the commissioners and the surveyors by them selected to discharge any public duty connected with the division of Surry county, shall receive a fair and reasonable compensation for their services, to be allowed them by the county courts of their respective counties in which they may reside.

Election on division.

Sec. 27. *Be it further enacted*, That, it shall be the duty of the justices of the county court of Surry county, at the February term, 1851, thereof, to order an election to be held throughout the present county of Surry, at the several election precincts in said county heretofore established, on the first Thursday in May next, to take the sense of the qualified voters of said county of Surry on the question of *division* or *no division*.

Judges & inspectors of election.

Sec. 28. *Be it further enacted*, That it shall also be the duty of the said county court, at the said February term, 1851, to appoint judges and inspectors to hold and superintend said election, at the several precincts aforesaid, who after taking an oath honestly and fairly and impartially to discharge their duty, shall hold said election and report the same to the sheriff of the county of Surry, under the same rules, regulations, liabilities and restrictions as are now required by law in holding elections for Members to the General Assembly.

Election, how held.

Sec. 29. *Be it further enacted*, That said election shall be held by ballot, those voting for division putting in a ticket on which shall be written "*Division*;" those voting against the same, a ticket on which shall be written "*No Division*;" and that every free white citizen qualified to vote for members of the House of Commons, in said county, shall be allowed to vote at said election.

Election, result of.

Sec. 30. *Be it further enacted*, That it shall be the duty of the sheriff of the present county of Surry, on the result of said election being returned to him, to proclaim the same on the next day, on or before 3 o'clock, P. M.; and in case a majority of the qualified voters of said county be found to be in favor of division, it shall be the duty of said sheriff to certify the same to the Governor of the State; and on its appearing to the Governor, from said certificate, that there is a majority of the qualified voters in said county of Surry in favor of the division purposed by the act, to which this act is supplemental, then and in that case the Governor shall make that fact known by proclamation; upon which this act and the act passed at this General Assembly to which this act is supplemental, shall be operative and take effect; otherwise, both of said acts shall be null and void.

Return by sheriff.

Sec. 31. *Be it further enacted*, That the sheriff of Surry county shall be entitled to the same compensation, for making the return of result of said election to the Governor, that he is now by law for making the return of the election for members of the General Assembly, and shall return the same to the Governor within ten days from and after the day of election.

Sec. 32. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER XLII.

AN ACT to amend the fourteenth section of chapter nineteenth, of an act, passed at the session of the General Assembly of 1848-49, concerning the late county of Polk, &c.

Sheriff to pay school fund, &c.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That section fourteenth of chapter nineteenth of an act, passed at the session of the General Assembly of 1848-49, concerning the county of Polk, be so amended as to compel P. B. Williams, late sheriff of Polk county, to pay to the chairman of the board of superintendents of common schools for Rutherford county, three-fourths of the common school money in his hands, and the remainder to the chairman of the board of superintendents of common schools for Henderson county; and on the failure of the said P. B. Williams, late sheriff of Polk county, to pay over to the respective chairmen as aforesaid, the whole amount of said money in his hands, he shall be liable to all the pains and penalties now provided by law for defaulting public officers.

Sec. 2. *Be it further enacted*, That all laws and clauses of laws coming in conflict with the true intent and meaning of this act be, and the same are hereby repealed.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th December, 1850.]

CHAPTER XLIII.

AN ACT to establish the dividing line between the counties of Orange and Alamance.

WHEREAS, by an act supplemental to an act, passed by the last General Assembly, entitled "An Act to lay off and establish a new county by the name of Alamance," it was provided that Edward Benson be appointed, on the part of Alamance county, and Freeman Walker be appointed, on the part of Orange county, surveyors, to run and mark the dividing line between the counties of Orange and Alamance; and whereas the said Walker failed to act in the premises, and a dividing line between said counties was run and marked by the said Benson, with the assistance of W. S. Moore, of said county of Orange: Preamble.

SEC. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the line which has been heretofore run and marked by Edward Benson and W. S. Moore, beginning at a gum sapling on the Caswell line and running due South to a birch bush on the bank of Haw river; thence with the meanders of said river to the Chatham county line, be, and the same is hereby declared the dividing line between the counties of Orange and Alamance. Line established.

SEC. 2. *Be it further enacted*, That the said Edward Benson and W. S. Moore make a report, in writing, of the principal land marks designating the same, to the court of pleas and quarter sessions of each of said counties, where such report shall be duly entered of record. Report.

SEC. 3. *Be it further enacted*, That this act shall go into effect from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER XLIV.

AN ACT to appoint Commissioners to mark and establish the dividing line between the county of Washington and Beaufort.

Preamble.

WHEREAS it is necessary and proper that the dividing line between the counties of Washington and Beaufort should be ascertained and established, so that the limits of each county may be definitely known, for the purpose of preventing any difficulty from arising with the wardens of the poor, respecting the maintenance of paupers belonging to said counties, in consequence of the dividing line between said counties having not heretofore been sufficiently described, either by actual survey or by known and fixed boundaries, whereby it becomes expedient, in order to prevent disputes between the inhabitants of said counties in relation to any county affairs, that the said dividing line should be more accurately ascertained: Therefore,

Commissioners, court to appoint.

SEC. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the county courts of the counties of Washington and Beaufort, at their Spring sessions, to appoint two commissioners respectively; and they are hereby vested with full power and authority to lay off, extend and mark the line between the said counties, due regard being had to the former reputed line, if any.

Surveyors, &c.

SEC. 2. *Be it further enacted*, That the said commissioners are authorized to appoint one surveyor from each of the aforesaid counties with such number of markers and chain carriers as they may deem necessary; and when the said commissioners shall have completed the same, in the manner which a majority of them may prescribe, two fair plats or representations of the said dividing line shall be by them made out and returned to the clerks' office of the respective counties aforesaid, and the same shall be entered on the re-

cord thereof; and the said line, so run and established, shall forever thereafter be considered the permanent dividing line between the said counties.

Sec. 3. *Be it further enacted*, That it shall be the duty of the said commissioners to meet together, at the same time and place, at any time within three months after their appointment, for the purpose of establishing the said dividing line between the counties of Washington and Beaufort; and the said commissioners and surveyor shall receive such compensation for their services as the said courts shall determine, not exceeding four dollars each, *per diem*, for the time they are actually engaged in said survey. Meeting and pay of commissioners.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER XLV.

AN ACT to alter the line between the counties of Buncombe and Henderson.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the line between the counties of Buncombe and Henderson be, and the same is hereby so altered, that from the mouth of Burn's branch, on the West side of French Broad river, the line shall be run a direct course to the point of Burney's mountain; thence with the summits of said mountain to the present county line between said counties, on Bear Wallow mountain. Line.

Commissioner.

Sec. 2. *Be it further enacted*, That the county courts of each of the counties of Buncombe and Henderson shall appoint one commissioner to run and mark said line, and report to the respective courts; and the line so run and marked shall be the line between said counties.

Justices, officers, &c.

Sec. 3. *Be it further enacted*, That all justices of the peace, constables and other public officers, residing in that portion of Buncombe county, hereby attached to and made part of Henderson county, shall hold their offices in Henderson, as they heretofore held and exercised them in the county of Buncombe; and all the citizens and inhabitants of Buncombe, living South of the line hereby established, shall be citizens of the county of Henderson, with all the rights and privileges of other citizens of said county; and any portion of the public school fund due to any school districts in that part of Buncombe hereby attached to Henderson county, shall be paid over to them, under the same rules and regulations that existed before the passage of this act.

Sec. 4. *Be it further enacted*, That this act shall go into effect from and after the running and marking of the line under the requirements of the second section of this act.

[Ratified 28th of January, 1851.]

CHAPTER XLVI.

AN ACT to run the boundary line between Craven and Beaufort Counties.

Preamble.

WHEREAS some uncertainty exists as to the location of the dividing line between Craven and Beaufort counties, and it is important that the same should be well known:

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the several county courts of Craven and Beaufort counties are authorized to appoint one or more commissioners, to run and establish the dividing line between said counties, as now fixed by law; and if one county shall refuse to appoint a commissioner, the other county shall do so, and the line run by the said commissioners or commissioner, shall be held and deemed the true dividing line between said counties. Commissioners, courts to appoint.

Sec. 2. *Be it further enacted*, That the said commissioners or commissioner shall make a report of their proceedings, which shall be recorded and registered in each county, and they shall mark, or otherwise identify and designate, the line run. The commissioners shall receive a reasonable compensation, to be paid by the county appointing them. Duty and pay of commissioners.

[Ratified 29th January, 1851.]

CHAPTER XLVII.

AN ACT to protect the Patrol in the county of Onslow, &c., &c.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it may be lawful, after the passage of this act, for the county court of Onslow, a majority of the magistrates being present, to lay or levy a tax of not less than twenty five cents, nor more than fifty cents, on each and every black poll in said county, for the purpose of creating a fund to pay the patrol of said county; and that their pay be regulated by said court as heretofore, and that the sheriff of said county be required to collect and account for said tax, in the Tax to pay patrol.

same manner as other taxes are collected and accounted for.

Penalty.

Sec. 2. *Be it further enacted*, That if any person or persons shall wilfully and maliciously molest, disturb, or in any manner impede or resist the patrol in the legal discharge of their duty, the person or persons so offending, upon conviction before any justice of the peace in said county, shall forfeit and pay the sum of fifty dollars, for each and every offence, to be applied to the use of the county as part of the fund created for the payment of the patrol.

Sec. 3. *Be it further enacted*, That this act shall be in force, from and after its ratification.

[Ratified 29th January, 1851.]

CHAPTER XLVIII.

AN ACT to amend an act entitled "An Act to authorize the county court of Mecklenburg to pay over certain funds to the County Court of Union," act ratified sixteenth day of January, 1849.

Amended relative to funds.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That so much of the first section of the aforesaid act, authorizing the county court of Mecklenburg to pay over certain funds, be amended, so as to include the jail fund and the moneys collected from the securities of John Sloan and Joseph W. McConahey, former sheriffs of Mecklenburg county.

Commissioners.

Sec. 2. *Be it further enacted*, That John Walker, Joseph H. Wilson and J. B. Kerr of the county of Mecklenburg; and James M. Stewart, Samuel H. Walkup and Cel'n. C. Wilson of the county of Union, be, and they are hereby appointed a committee, whose duty it shall be to meet in the

town of Charlotte, on the third Monday in February, 1851, or as soon thereafter as practicable, so as to report to the April county courts of their respective counties: and they, or a majority of them, being present, shall examine and audit the claims, hereinbefore mentioned, of the aforesaid county of Union, according to the provisions of the aforesaid act as hereby amended; and that they be paid one dollar and fifty cents per day out of the monies so adjudicated to the county of Union.

Sec. 3. *Be it further enacted*, That the third section of the aforesaid act, be, and the same is hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER XLIX.

AN ACT to authorize the county courts in the counties of Mecklenburg, Union and Rutherford to allow compensation to justices of the peace, who may be appointed to settle the accounts of executors, administrators and guardians, and other services.

Courts may allow pay to justices, for settling accounts, &c.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the courts of pleas and quarter sessions, within the several counties in this State, be, and they are hereby authorized to allow a compensation to justices of the peace for the settlement of executors', administrators' and guardians' accounts, the compensation not to exceed two dollars a day for each and every day so employed; which allowance shall be made by the court to which such settlement shall be returned, to be paid by the executor, administrator or guardian with whom the settlement was made.

Pay of justices for taking tax list.

Sec. 2. *Be it further enacted*, That said courts be, and they are hereby authorized to make an allowance to each and every justice of the peace, by them respectively appointed to take the list of taxable property, not exceeding two dollars per day, for such time as it may be made satisfactorily to appear to the courts that such justice was employed in taking such list of taxable property, which allowance the court shall order to be paid by the county trustee, or, in case there be no county trustee, by the sheriff of the county, out of the county funds, as soon as it shall be made to appear to the satisfaction of the court that such justice of the peace has taken such list and returned the same according to law: *Provided*, that the provisions of this act shall be confined to the counties of Mecklenburg, Union and Rutherford.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after the first day of April, 1851; any law, usage or custom to the contrary notwithstanding.

[Ratified 28th January, 1851.]

CORPORATIONS.

CHAPTER L.

AN ACT concerning Corporations.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of*

the same, That all companies, societies and bodies of men, which may be incorporated and erected into bodies corporate, shall have power, by their corporate name, to sue and be sued, plead and be impleaded; may hold, possess, acquire and transfer such real, personal and mixed estates as may be necessary to carry out the purposes of their creation; shall have perpetual succession, and each a common seal, which each may alter and renew at pleasure; shall have power to elect all such officers as may be necessary; and to make all such by-laws, rules and regulations as may be deemed necessary, not inconsistent with the laws of this State.

[Ratified 22nd January, 1851.]

COURTS.

CHAPTER LI.

AN ACT to establish a Superior Court of Law and Equity for the County of Watauga.

SECTION

1. Provides for 1st Term of court, and appointment of officers by the Judge; 2nd attaches the county to 7th circuit; 3rd provides for transfer of suits; 4th fixes the time for holding court in the several counties of the circuit; 5th relates to jury terms of county courts.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That there shall be a Superior Court of Law and

Equity opened and held for the county of Watauga, at the Court House in Boon, on the sixth Monday after the fourth Monday in March and September, in each and every year, which court shall have the same jurisdiction that corresponding courts in the several counties of this State now have and enjoy. That the first term of said court shall be opened and held on the sixth Monday after the fourth Monday of March and September next, at which time the Judge holding the said court shall appoint the necessary court officers.

Court, when held and officers when appointed.

Sec. 2. Be *it further enacted*, That the County of Watauga shall constitute a part of the seventh circuit, and the solicitor who shall attend the Superior Courts of said county, shall be entitled to the same pay for his services as he is entitled to receive for attending the other courts of his circuit.

Attached to 7th Circuit.

Sec. 3. Be *it further enacted*, That all suits in Law or in Equity, now pending in the Superior Courts of Ashe, Wilkes, Yancy or Caldwell, respectively, wherever the plaintiffs or petitioners and defendants, or both, *are* citizens of Watauga, or wherein the citizens of Watauga are defendants and the plaintiffs or petitioners are not citizens of either of said counties of Ashe, Wilkes, Yancy or Caldwell; and all indictments and criminal proceedings against the citizens of Watauga, and which are cognizable in the Superior Court of this State, shall be transferred from the terms of the Superior Courts of said counties of Ashe, Wilkes, Yancy and Caldwell, respectively, to the Superior Court of Watauga, in the same manner as is now prescribed by law for transferring suits from one county to another.

Suits transferred.

Sec. 4. Be *it further enacted*, That from and after the first day of July, 1851, the Superior Courts of Law and Equity in the seventh Judicial circuit, in the several counties thereof, shall be opened and held in each and every year at the times hereinafter expressed, viz: In the county of Cherokee, the said courts shall be held on the first Monday in March and September; in the county of Macon, on the second Monday in March and September; in the county of Haywood, on

Courts in 7th Circuit, when held.

the third Monday in March and September; in the county of Henderson, on the fourth Monday in March and September; in the county of Buncombe, on the first Monday after the fourth Monday in March and September; in the county of Madison, on the second Monday after the fourth Monday in March and September; in the county of Yancy, on the third Monday after the fourth Monday in March and September; in the county of McDowell, on the fourth Monday after the fourth Monday in March and September; in the county of Caldwell, on the fifth Monday after the fourth Monday in March and September; in the county of Watauga, on the sixth Monday after the fourth Monday in March and September; in the county of Burke, on the seventh Monday after the fourth Monday in March and September; in the county of Rutherford, on the eigth Monday after the fourth Monday in March and September; in the county of Cleveland, on the ninth Monday after the fourth Monday in March and September.

Jury terms of county courts.

Sec. 5. Be *it further enacted*, That the Spring and Fall, now Jury terms, of the Courts of Pleas and Quarter Sessions shall be held in the counties of Cherokee, Macon, Haywood, Henderson, Buncombe, Madison, Yancy, McDowell, Caldwell, Watauga, Burke, Rutherford and Cleaveland, at the same time and on the same week on which the Superior Courts of Law and Equity shall be holden as provided in the fourth section of this act.

[Ratified 28th January, 1851.]

CHAPTER LII

AN ACT to amend the 119th section of the 31st Chapter of the Revised Statutes, entitled "Courts, County and Superior."

SECTION

1. Au horises a reference for stating an account, in all suits against executors and administrators, when there is a plea of no assets, without regard to manner in which suit commenced.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the 119th section of the 31st Chapter of the Revised Statutes, entitled "Courts, County and Superior," be so amended as to authorize a reference for stating an account, in all suits against executors and administrators, when there is a plea of no assets, without regard to the manner in which said suit was commenced.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER LIII.

AN ACT to repeal an act of the General Assembly of 1848–9, Chapter CXXXVII.

SECTION

1. Repeals the act granting exclusive jurisdiction in jury trials to the Superior Courts of Burke.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That an act of the General Assembly of the ses-

sion of 1818-9, entitled "an act granting original and exclusive jurisdiction of all cases, where the intervention of a jury may be necessary, to the Superior Courts of Law for Burke County," chap. CXXXVII, be, and the same is hereby repealed. Repealing clause.

Sec. 2. Be *it further enacted*, That the said court of pleas and quarter sessions (a majority of the acting justices being present) shall have power to dispense with and abolish jury trials in said court at any time hereafter, by an order of said court; and upon said order being made and duly entered of record, it shall be the duty of the clerk of said court to make out a full, true and perfect transcript of all the causes, both criminal and civil, pending in said court, in which the intervention of a jury may be necessary, and transmit the same, together with the original papers, to the term of the Superior Court of Law for Burke county, next succeeding the term when the order may be made by the said court of pleas and quarter sessions, abolishing Jury trials therein: And said causes, when so transmitted, shall stand for trial in the said Superior Court of Law, as other causes originally instituted and pending in said Superior Court of Law. Vests discretionary power, as to jury trials, in county courts, &c. Papers to be transmitted to Superior Court.

Sec. 3. Be *it further enacted*, That after said order shall be made abolishing jury trials in said court, it shall be the duty of the clerk of said court to transmit all causes which may be returned to said court, at any term thereafter, wherein issues are made up requiring the intervention of a jury, to the Superior Court of Law of Burke county; and said Superior Court of law shall have jurisdiction of said causes, as in cases of appeal from the county to the Superior Court. Clerk's duty.

Sec. 4. Be *it further enacted*, That issues of *devisavit vel non* may be made up and entered of record, by order of said court, touching the execution of any and all paper writings offered for probate as the last will and testament of any person or persons, after said order abolishing jury trials may be made, and said issues, when made up, shall be transmitted to the Superior Court of Law of Burke county, to be there tried Probate of wills.

as if the same had been carried up to said Superior Court by appeal; and after said jury trials are abolished by order of said court, all issues made up under the provisions of the fourth section of the act of Assembly relating to bastard children, shall be transmitted to said Superior Court, for trial, as provided in the second section of this act.

Bastards.

Sec. 5. Be *it further enacted*, That if, at the time said court of pleas and quarter sessions make an order abolishing jury trials in said court, there shall be any criminal causes pending in said court, prosecuted therein, in the name of the State, said court shall have power to bind over and recognize the defendants and witnesses in said causes to appear at the next Superior Court of Law of Burke county succeeding said order; and the said Superior Court shall have the same jurisdiction as upon appeals in like cases from the county to the Superior Court.

Criminal cases.

Sec. 6. Be *it further enacted*, That this act shall be in force from and after its ratification.

Ratified 28th January, 1851.

CHAPTER LIV.

AN ACT to extend the time of holding the County Courts of Hyde.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the justices of the courts of pleas and quarter sessions of the county of Hyde to extend the time of holding the courts of said county one or more days during the terms of the Superior Court of each and every term, provided a majority of the justices of

said county shall so order and direct; and the business of said county shall and may be continued and tried on said days, under the same rules, regulations and forms, as are now authorized by laws in regard to the other days in the term.

[Ratified 27th January, 1851.]

CHAPTER LV.

AN ACT for the better organization of the Court of Pleas and Quarter Sessions for the County of Pasquotank.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That hereafter, in the Court of Pleas and Quarter Sessions for the county of Pasquotank, the jurisdiction of five justices of the peace shall extend to all cases which now require the action of a majority, or any other number greater than five, except in laying taxes and in receiving the bonds of clerks and sheriffs.

Sec. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification; and that all laws and clauses of laws, which come in conflict with the provisions of this act, be, and the same are hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER LVI.

AN ACT to restore jurisdiction to the County Courts of Yancy and Henderson Counties.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of*

the same, That so much of an act, passed at the session of 1844 and '45, of the General Assembly of North Carolina, abolishing jury trials in the county courts of Yancy, Buncombe, Henderson, &c. be, and the same are hereby repealed, so far as relates to the counties of Yancy and Henderson; and that jurisdiction is hereby restored to said county courts of the counties of Yancy and Henderson, in as full and ample a manner as if the same had never been abolished.

Sec. 2. Be *it further enacted*, That all appeals from the decisions of justices of the peace shall hereafter be made returnable to the county court instead of the Superior Court, as now required by law; any law, usage or custom to the contrary notwithstanding.

Sec. 3. Be *it further enacted*, That all laws or clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

[Ratified 27th January, 1851.]

CRIMINAL PROCESS.

CHAPTER LVII.

AN ACT in relation to the execution of Criminal Process.

SECTION

1. Sheriff to endorse on process issuing in criminal cases, the day when it came to hand and the day when executed.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of*

the same, That the sheriffs of the several counties in this State shall endorse on all process issuing in criminal cases, either for the State or the defendant, the day when such process came to hand, and also the day of its execution; and on failure of any sheriff to perform either of said duties, he shall forfeit the sum of ten dollars, for each neglect, for the use of the State, to be recovered for the State, in the same manner as recoveries are now effected against sheriffs by parties in civil suits, for neglect to make due return of process delivered to them.

[Ratified 28th January, 1851.]

DEBT OF THE STATE.

CHAPTER LVIII.

AN ACT to provide for the payment of the debt of the State.

Preamble.

WHEREAS the contingent liability of the State, on account of appropriations *heretofore* made for works of Internal Improvements and for other purposes, are large; and whereas demands exceeding the income of the State *may be* made, on that account, upon the Treasury before the meeting of the next General Assembly: Therefore,

Amt. for which Treasurer shall issue certificates.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Treasurer of the State be, and he is hereby authorized and directed to issue certificates of debt, in proper form, in the name and in behalf of the State, and un-

der his signature and seal of office, for a sum not exceeding two hundred thousand dollars, binding the State for the money purporting to be due thereon.

Certificates, when and in what amts. to be issued —what interest— and how payable.

Sec. 2. *Be it further enacted*, That said certificates of debt shall be issued at such time or times as the wants of the Treasury may require, to discharge the debts and liabilities of the State; and shall be issued in sums of not less than five hundred, nor more than one thousand dollars each, and shall bear interest at the rate of six per cent per annum, payable semi-annually, at such places as the Treasurer may designate; which certificates of debt shall be severally redeemable at the end of ten years from and after the day on which each of them is issued, and at such place or places as the Treasurer may appoint.

Comptroller to countersign certificates.

Sec. 3. *Be it further enacted*, That all certificates of debt by the State, issued under and by the authority of this act, and signed as aforesaid by the Public Treasurer, shall be countersinged by the Comptroller of this State, and duly registered by him, in a book prepared and kept for that purpose.

Transferable.

Sec. 4. *Be it further enacted*, That said certificates of debt shall be transferable by the holders thereof, or by his, her or their attorney, in a book to be kept by the Public Treasurer for that purpose; and in every such transfer, the outstanding certificate shall be surrendered to or cancelled by the Public Treasurer, and a new certificate shall be issued, for the same amount, to the person or persons entitled to the same.

Sale of certific't's and payment of debts.

Sec. 5. *Be it further enacted*, That the Public Treasurer, whenever required by the Governor of the State, shall negotiate the sale of the certificates of debt hereby authorized to be issued, first having given thirty days' notice thereof in two or more public newspapers, and shall have power and authority to sell the same at not less than their par value, and shall apply the proceeds, together with any premium or profits that may be made by such sale, to the payment of any or all of the aforesaid debts of the State.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

ENTRIES & GRANTS.

CHAPTER LIX.

AN ACT to extend the time of perfecting titles to lands heretofore entered.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all persons who have made entries of vacant lands, and paid the purchase money to the State for the same, since the first day of January, 1835, shall have until the first day of January, 1853, to perfect their titles to the same by grant.

Sec. 2. *Be it further enacted*, That all persons of this State, who have made entries of lands according to law, since the first day of January, 1842, and have not paid the purchase money to the State, shall have until the first day of January, 1853, to make said payments and perfect their titles to said land: *Provided*, that nothing in this act contained shall be so construed as to affect the titles of persons who have heretofore obtained grants to said lands, or the rights of junior entries, or to extend to swamp land in the Eastern portion of the State.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 1st January, 1851.]

EXCHANGES.

CHAPTER LX.

AN ACT to repeal the act of the General Assembly of 1848-49, providing for the support of a system of International, Literary and Scientific Exchanges.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the act of the General Assembly, chapter sixty three, of the session of 1848-49, establishing the system of scientific and literary exchanges between the city of Paris, in France, and the State of North-Carolina, be, and the same is hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER LXI.

AN ACT to repeal an act of the General Assembly of 1848-49, providing for the support of a system of International, Literary and Scientific Exchanges.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the act of the General Assembly, chapter sixty three, of the session of 1848-49, establishing the sys-

tem of scientific and literary exchanges, between the city of Paris, in France, and the State of North-Carolina, be, and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That this act shall be in force and take effect from and after its passage.

[Ratified 28th January, 1851.]

EXECUTORS AND ADMINISTRATORS.

CHAPTER LXII.

AN ACT to repeal the 20th section of the Revised Statutes, Executors and Administrators, chapter 46.

SECTION

1 Estate or money, in the hands of executors or administrators, unreclaimed in four years from their qualification, to be paid to the Literary board for common schools.

2. Board to have the same rights that the Trustees of the University heretofore had for obtaining possession thereof.

Money and state to be paid to Literary Board.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the 20th section of the Revised Statutes, chapter 46, Executors and Administrators, be, and the same is hereby repealed; and all sums of money, or other estate, of whatever kind, which shall now remain, or shall hereafter remain in the hands of any executor or administrator, for four years after his qualification as such administrator or executor, unrecovered or unreclaimed, by suit, by the credi-

tors, legatees or next of kin or widow of his testator or intestate, shall, by the said executor or administrator, be paid over to the President and Directors of the Literary Board, for purposes of common school education.

Sec. 2. Be *it further enacted*, That the President and Directors of the Literary Board be, and they are hereby entitled to all the rights, in law or in equity, for obtaining the possession of said estate, mentioned in the 1st section of this act, to which the trustees of the University were before the passage of the act.

Rights of Board.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

FENCES.

CHAPTER LXIII.

AN ACT to repeal an act, passed at the session of 1848-49, entitled "An Act to amend the 48th chapter of the Revised Statutes, entitled 'An Act concerning Fences,' so far as relates to land on the Meherrin river, in the county of Hertford."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the act, passed at the session of the General Assembly of 1848-49, entitled "An Act to amend the 48th chapter of the

Revised Statutes, entitled, 'An Act concerning fences,' so far as relates to land on the Meherrin river, in the county of Hertford," be, and the same is hereby repealed.

[Ratified 27th January, 1851.]

CHAPTER LXIV.

AN ACT declaring Dan river, from Madison to the Stokes county line, a deep water-course, and sufficient instead of a fence.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the the same,* That the Dan river, from the town of Madison, to the Stokes county line, be, and the same is hereby declared to be a deep watercourse, and deemed sufficient instead of a fence; and that persons residing thereon, between the said town of Madison and the Stokes county line, shall not be required to make and keep a fence on the banks of said river, around their cleared lands under cultivation, as is now provided by law.

[Ratified 27th January, 1851.]

FISH.

CHAPTER LXV.

AN ACT to prevent the obstruction of the passage of Fish at inlets on the sea coast of this State.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall not be lawful for any person or persons to fish with a seine, set or drag net, in any of the inlets of the Atlantic coast of this State, between Ocracock inlet and Roancke island, nor within a mile of said inlets, in Pamlico sound, between the first day of February and the first day of May then next ensuing, in each year; and if any person or persons shall so fish, in any of the said inlets, or within one mile thereof, in the waters of said sound, within the time before described, and contrary to the intent and meaning of this act, every such person or persons shall forfeit and pay, for each and every such offence, so unlawfully committed, as follows: for each and every time a seine or drag net is so dipt or dragged in the waters of said inlets, or within a mile thereof, as before set forth, one hundred and fifty dollars, to be recovered by any person or persons suing therefor, in the county or Superior Court of the county in which such offence is committed, or in the Superior Court of an adjoining county, and applied one half to the person or persons so suing, and the other half to the use of the wardens of the poor of the county, wherein such offence is committed; and for each and every net, for each and every time set as aforesaid, the sum of twenty dollars, to be recovered, by warrant, before

Places and times of fishing prohibit'd.

Penalties.

any justice of the peace in the county in which such offence is committed, and applied one half to the person at whose instance such warrant is issued, and the other half to the use of the wardens of the poor of said county.

Sec. 2. *Be it further enacted*, That any person or persons aiding, abetting, or in any manner lending assistance to the violation of the provisions of this act, shall be held and deemed as much liable to the penalty or penalties thereof as the principal or principals; and may be proceeded against, as against said principal or principals hereinbefore set forth; and the recoveries so effected shall be applied as aforesaid, in proceedings against principal or principals. Aiders and abettors.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 23th January, 1851.]

CHAPTER LXVI.

AN ACT to repeal an act, passed at the session of 1848-49, entitled "An Act to prevent fishing near the mouth of Raymond's creek, in the county of Camden.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the act, passed at the session of the General Assembly of 1848-49, entitled "An Act to prevent fishing near the mouth of Raymond's creek, in the county of Camden," be, and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER LXVII.

AN ACT to regulate the fishing with seines in North river, in the counties of Camden and Currituck.

Section I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That hereafter, it shall not be lawful for any person to fish any seine in North river, or on either shore of said river, in the counties of Camden and Currituck, in such manner as to sweep farther from the shore than the middle of the channel of said river; and that any and every person fishing in said river, who shall so lay out his, her or their seine as to sweep farther from the shore on which he or she may be fishing, than the middle of the channel as aforesaid, shall be held and deemed as violating the provisions of this act, and subject to the liabilities and penalties hereby imposed.

How far fishers may sweep in North River.

Penalties.

Sec. 2. *Be it further enacted,* That any person violating the provisions of this act, shall forfeit and pay the sum of two hundred dollars, to be recovered by any person suing for the same, in any court of competent jurisdiction, one half to the use of the person suing for the same, and the other half to the use of the county where suit may be brought; and said persons so offending against the provisions of this act, shall be further liable to indictment in the county or Superior Courts of Camden or Currituck, as the case may be, and, on conviction, shall be fined at the discretion of the court.

Penalty.

Sec. 3. *Be it further enacted,* That it shall not hereafter be lawful for any person to haul any seine within two hundred yards of the mouth of Crooked creek, where said creek empties into the aforesaid North River, either in the waters of said river or said creek; and all persons offending against the provisions of this section, shall incur the same liabilities and penalties, to be recovered and enforced in the same manner, as provided for in the second section of this act.

Crooked creek.

Sec. 4. *Be it further enacted,* That this act shall be in force and take effect from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER LXVIII.

AN ACT to prevent, during a part of each week, the fishing with seines in or near the mouth of Perquimons River.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any person or persons to lay out his or their seine or seines, or suffer them to remain out, within one mile of the mouth of Perquimons river, either inside of said river or in the sound opposite the mouth of said river, during the time comprehended between sunset on Saturday evening, and 12 o'clock Sunday night, in each and every week. And if any person or persons shall so lay out his or their seines, or suffer the same to remain out within one mile of the mouth of said Perquimons river, within or during the time before described, and contrary to the meaning and intent of this act, every such person or persons shall forfeit and pay, for each and every such offence so unlawfully committed, the sum of one hundred and fifty dollars, to be recovered in any court having jurisdiction in the county in which the offence may be committed, and applied, one third to the informer, the remainder to be paid over to the chairman and board of superintendents of common schools, in and for said county, to be used and accounted for as other school money: *Provided,* that the provisions of this section shall not extend to the owner of any seine laid out before

Times prohibit'd.

Penalty.

Proviso. sunset, who may be using proper exertions to land the same, as soon as possible thereafter.

Sec. 2. *Be it further enacted*, That it shall not be lawful for any person or persons to lay out his or their seine or seines in such a manner as to sweep over and beyond two-thirds of the channel of Perquimons' river; and if any person or persons shall so lay out his or their seine or seines, contrary to the intent and meaning of this act, every such person or persons shall forfeit and pay, for each and every such offence, so unlawfully committed, the sum of one hundred and fifty dollars, to be recovered in any court having jurisdiction in the county in which the offence may be committed, and applied, one third to the informer, and the remainder to be paid over to the chairman and board of superintendents of common schools, in and for said county, to be used and accounted for as other school money.

How far seines may sweep.

Penalty.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

INSPECTION.

CHAPTER LXIX.

AN ACT to alter the mode of electing inspectors of turpentine in the county of Craven.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That

at the time of the election of Members of Congress from this State, in the year one thousand, eight hundred and fifty one, and at the same time every two years thereafter, a poll shall be opened at each precinct in the county of Craven, for the election of the same number of inspectors of turpentine and other naval stores for the same places of inspection now provided for by the court of pleas and quarter sessions for said county, by the same persons, in the same manner, and under the same rules, regulations and restrictions, as polls are now opened and held for Members of the General Assembly; and in case of the failure of the persons or any of them appointed to hold said elections, it shall be competent for a justice of the peace and two freeholders to supply such vacancy. Insp'ctors. number & time of electing.

Sec. 2. *Be it further enacted*, That all persons in the county of Craven, qualified to vote for members of the House of Commons, in the General Assembly of this State, shall be qualified to vote for such inspectors, in and for the county of Craven aforesaid. Electors.

Sec. 3. *Be it further enacted*, That the sheriff or other persons qualified to hold said elections, shall, at the Court House, or other public place of returning and comparing the polls, declare the persons having the highest number of votes duly elected inspectors of turpentine and other naval stores for said county; and said persons shall continue in office for two years next after their qualification and until their successors shall be elected and qualified; and in the event that two persons shall have an equal number of votes for the office of inspector, it shall be the duty of the sheriff of the county to make the election as is provided for members of the General Assembly. Declaration of persons elected.

Sec. 4. *Be it further enacted*, That every inspector elected, as hereinbefore provided, shall, at the first county court thereafter, enter into the same bonds, and take the same oaths of office, and shall be subject to the same rules, Bonds, &c

regulations and restrictions, as are now provided by law for inspectors of turpentine and naval stores in said county.

Vacancies.

Sec. 5. *Be it further enacted*, that if any vacancy shall occur, by the death, resignation or removal of any inspector or inspectors so elected as aforesaid, the court of pleas and quarter sessions for the county of Craven (seven justices, at least, being present) shall have power and authority to appoint some suitable person or persons to fill such vacancy for the unexpired term of the person or persons so dying, resigning or removing; and the person or persons, so appointed by the court, shall enter into the usual bond, and take the usual oaths of office now prescribed by law for inspectors, and shall hold their offices respectively until the next regular election.

[Ratified 28th January, 1851.]

CHAPTER LXX.

AN ACT to amend the inspection laws.

Ton timber merchantable.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all ton timber, on the Cape Fear river, and at the several ports belonging to the same, shall be governed by the following rules of inspection, viz: all sound ton timber, squaring eleven inches and upwards, and showing heart one half the length, shall be merchantable; and all other ton timber, not being of the description aforesaid, shall be refused.

Fees.

Sec. 2. Be *it further enacted*, That the fees for inspection of ton timber shall be twenty cents for every thousand feet, and shall be paid by the purchaser.

Sec. 3. Be *it further enacted*, That this act shall be in force from and after its ratification.

Sec. 4. *Be it further enacted*, That all laws and clauses of laws, coming within the meaning and purview of th s act, are hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER LXXI.

AN ACT relating to Inspectors of Staves.

Sec. I. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That all laws now in force, providing for the appointment of inspectors of staves, be, and the same are hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER LXXII.

AN ACT for the further regulation of the inspection of Tar sold in this State.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That hereafter all tar that may be inspected and sold in this State, shall be inpsected and sold under the same rules and regulations, by the same laws and restrictions, as now provided.

for the inspection of soft turpentine in this State, by an act of the General Assembly, chapter 57, section 1st, passed at the session of 1846-47.

Sec. 2. *Be it further enacted*, That hereafter it shall be the duty of the purchaser to pay the inspection fees on tar and turpentine.

[Ratified 28th January, 1851.]

CHAPTER LXXIII.

AN ACT to require purchasers to pay the fees for inspecting turpentine.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That hereafter it shall be the duty of those who purchase turpentine to pay the fees for inspecting the same; any law or usage to the contrary notwithstanding.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification

[Ratified 28th January, 1851.]

CHAPTER LXXIV.

AN ACT to amend an act, entiled "An Act to authorize the inspection of provisions," passed in the year 1848-9, chapter forty-three.

Sec. 1. *Be it enacted by the General Assembly of the State*

of North-Carolina, and it is hereby enacted by the authority of the same, That in addition to the articles of provisions enumerated in said act, it shall be the duty of all inspectors, appointed under said act to inspect all hogsheads of bacon imported from any other State or Territory, under the same rules and regulations as are now provided by law. Hhds of bacon.

Sec. 2. *Be it further enacted*, That if any person or persons shall sell any article of forage or provision, without the same having been inspected, contrary to the true intent and meaning of said act, he, she or they shall, for each and every offence, forfeit and pay one hundred dollars, to be recovered before any justice of the peace in the county where said offence shall have been committed, and applied one half to the use of the informer, and the other half to the use of the wardens of the poor-; *Provided*, That this act shall not apply to any article previously inspected by any inspector of this State; *and provided further*, that it shall not apply to any county where the county court shall refuse or neglect to appoint such inspector. Penalty. Proviso.

Sec. 3. *Be it further enacted*, That it shall and may be lawful for any inspector, appointed under the provisions of the before recited act, to appoint a deputy, whenever the business may require it, who shall be subject to the same rules and regulations, and for whose official duty the inspector shall be liable. Deputy.

Sec. 4. *Be it further enacted*, That it shall be the duty of the several inspectors appointed, or who may hereafter be appointed according to the provisions of the act hereinbefore recited, to brand every barrel, half barrel or keg, every hogshead, box, firkin, bale or bundle of provisions or forage which he may inspect. Brands.

Sec. 5. *Be it further enacted*, That this act shall be in force from and after its passage.

[Ratified 17th day of January, 1851.]

JURIES---JURISDICTION.

CHAPTER LXXV.

AN ACT in respect to the payment of the original panel of Jurors for the county of Beaufort.

Pay of jurors.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That hereafter the original panel of jurors for the county of Beaufort, who are summoned to attend and do attend, either the county or Superior Courts of said county, shall receive, for their services, one dollar per day, and one dollar for every thirty miles they travel to and from the Court House.

Repealing clause.

Sec. 2. *Be it further enacted,* That all laws and clauses of laws, coming in conflict with the meaning and contents of this act, be, and the same are hereby repealed.

Sec. 3. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER LXXVI.

AN ACT to pay the tales jurors in the county of Chatham the same compensation as is now paid to jurors of the regular panel.

Sec. 1. *Be it enacted by the General Assembly of the State*

of North Carolina, and it is hereby enacted by the authority of the same, That hereafter, in all cases where tales jurors shall be required to serve, in either the county or superior courts of the county of Chatham, they shall be entitled to the same *per diem* compensation as jurors summoned on the original panel; and the clerk of each court is hereby required to give each tales juror a certificate of attendance, which the sheriff or county trustee shall pay, in the same manner as jurors of the regular panel are now paid.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after the day of its ratification.

[Ratified 27th January, 1851.]

CHAPTER LXXVII.

AN ACT to repeal an act, entitled "An Act to give exclusive jurisdiction to the Superior Courts of Robeson, in all cases where the intervention of a jury shall be necessary."

Repealing clause.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That an act, passed in the year of our Lord one thousand, eight hundred and twenty, entitled "An Act to give exclusive jurisdiction of pleas to the Superior courts of the county of Robeson, in all cases where the intervention of a jury shall be necessary," be, and the same is hereby repealed.

Jurisdiction, court may abolish.

Sec. 2. *Be it further enacted,* That if a majority of the acting justices of the peace for the said county shall, at any time hereafter, deem the restoration of the jurisdiction of

pleas to the said court inexpedient, they shall have power to abolish the same, first giving thirty days previous notice of their intentions, upon the court house door, in the town of Lumberton; and in the event of the happening of the same, the clerk of the court of pleas and quarter sessions shall, within five days thereafter, transfer to the office of the Superior court clerk of the said county, all books, papers and process in his office, wherein the intervention of a jury shall be necessary; and the said superier court clerk shall enter the same upon his dockets in the same manner and under the same rules and regulations as if the original process had issued from his office.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER LXXVIII.

AN ACT to regulate the pay of jurors and witnesses in the county of Craven.

Pay of jurors.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That each and every juror, who having been lawfully summoned, shall attend any of the superior courts of law or courts of pleas and quarter sessions of the county of Craven and perform the duties required by law, shall be allowed and paid, in the manner now provided by law, for each and every day's attendance, the sum of one dollar and fifty cents, and the like sum for every thirty miles travelling to and from court.

Sec. 2. *Be it further enacted*, That each and every person, who being lawfully summoned, shall attend any of the courts aforesaid of Craven county, as a witness in any case pending therein, shall be allowed, for each and every day's attendance, the sum of one dollar and fifty cents, and the like sum for every thirty miles travelling to and from court. Pay of witnesses.

Sec. 3. *Be it further enacted*, That all laws coming in conflict with the provisions hereof, be, and the same are hereby repealed.

[Ratified 17th January, 1851.]

CHAPTER LXXIX.

AN ACT to repeal an act of the General Assembly of 1848-49, chapter cxxxvii.

SECTION

1 Repeals the act giving exclusive jurisdiction, in all jury cases, to the Superior court of Burke.

Section 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That an act of the General Assembly of the session of 1848-49, entitled an act granting original and exclusive jurisdiction of all cases where the intervention of a jury may be necessary to the superior courts of law for Burke county, chapter cxxxvii, be, and the same is hereby repealed. Repeals act giving exclusive jurisdiction to Sup. Ct.

Sec. 2. *Be it further enacted*, That the said court of pleas and quarter sessions (a majority of the acting justices being present,) shall have power to dispense with and abolish jury trials in said court, at any time hereafter, by an or-

County Ct. may abolish jury trials.

der of said court; and upon said order being made and duly entered of record, it shall be the duty of the clerk of said court to make out a full, true and perfect transcript of all the causes, both criminal and civil, pending in said court, in which the intervention of a jury may be necessary, and transmit the same, together with the original papers, to the superior court of law for Burke county, next succeeding the term when the order may be made by the said court of pleas and quater sessions, abolishing jury trials therein. And said causes, when so transmitted, shall stand for trial in said superior court of law as other causes originally instituted and pending in said superior court of law.

Duty of clerk.

Sec. 3. *Be it further enacted*, That after said order shall be made, abolishing jury trials in said court, it shall be the duty of the clerk of said court to transmit all causes which may be returned to said court, at any term thereafter, wherein issues are made up, requiring the intervention of a jury, to the superior court of law of Burke county; and said superior court of law shall have jurisdiction of said causes, as in cases of appeal from the county to the superior courts.

Probate.

Sec. 4. *Be it further enacted*, That issues of *devisavit vel non* may be made up and entered of record by order of said court, touching the execution of any and all paper writings offered for probate as the last will and testament of any person or persons, after said order abolishing jury trials may be made; and said issues, when made up, shall be transmitted to the superior court of law of Burke county, to be there tried as if the same had been carried up to said Superior court by appeal; and after said jury trials are abolished by order of said court, all issues made up under the provisions of the fourth section of the act of Assembly relating to bastard children, shall be transmitted to said superior court for trial, as provided in the second section of this act.

Sec. 5. *Be it further enacted*, That if at the time when said court of pleas and quarter sessions shall make an order

abolishing jury trials in said court, there shall be any criminal causes pending in said court, prosecuted therein in the name of the State, said court shall have power to bind over and recognize the defendants and witnesses, in said causes, to appear at the next superior court of law of Burke county, next succeeding said order; and the said superior court shall have the same jurisdiction as upon appeals in like cases from the county to the superior court. Criminal cases.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER LXXX.

AN ACT for the better administration of justice in the county of Carteret.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That whenever at any term of the court of pleas and quarter sessions for the county of Carteret, at which the attendance of a jury hath been dispensed with by the previous order of said court, it shall be deemed necessary or expedient, by the said court, to have a jury in attendance at said term, for the trial of any suit or suits depending in said court, and a jury hath not be summoned, it shall and may be lawful for the said court of pleas and quarter sessions to issue to the sheriff of Carteret county a special writ of *venire facias*, commanding him to summon such number of the freeholders of said county as the said court may deem sufficient to appear, on some specified day of said term as ju- Jurors may be summoned.

rors of said court; and it shall be the duty of the sheriff to proceed forthwith to execute said writ, and return it to the clerk of said court on the day to which the same shall be returnable, with the names of the jurors he shall have summoned.

Penalty.

Sec. 2. *Be it further enacted*, That every person so summoned to attend and appear as juror, on said special writ of *venire facias*, who shall fail to appear and give his attendance until discharged, shall be subject to the same penalties and entitled to the same privileges, as jurors summoned on the original venire, according to the laws now in force.

Sec. 3. *Be it further enacted*, That all laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed.

[Ratified 29th January, 1851.]

CHAPTER LXXXI

AN ACT concerning jurors in Beaufort county.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the ratification of this act, it shall be the duty of the jurors of the original panel, summoned to attend the county courts of said county, to attend on Monday of said courts: And it shall be the duty of the officers summoning said jurors, to notify them so to attend, any thing in any law, order of court or custom to the contrary notwithstanding: *Provided, however*, that the said courts,

a majority of the justices being on the bench, may, at any time hereafter, at their discretion, by their order, dispense with the attendance of said jurors on the Mondays of said courts.

[Ratified 28th January, 1851.]

CHAPTER LXXXII.

AN ACT concerning jury trials in the county of Buncombe.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the act, entitled "An Act granting to the superior courts of the counties of Yancy, Buncombe, Henderson, Haywood, Macon and Cherokee, original and exclusive jurisdiction in all cases where the intervention of a jury may be necessary," so far as the same relates to the county of Buncombe, be, and the same is hereby repealed, Repealing clause.

Sec. 2. *Be it further enacted,* That all the appeals from justices of the peace, now pending in the Superior court of Buncombe county, and all appeals that have been or may hereafter be granted to the superior court of said county, shall be transmitted to the county court of said county, and there stand for trial as they would, if they had been taken in the first instance to the county court. Appeals.

Sec. 3. *Be it further enacted,* That it shall be the duty of the clerk of the superior court of Buncombe county, before the first day of March, 1851, to transmit to the county court all the original papers connected with any and every appeal from a justice of the peace to said court, together with a transcript of the record, including every order made Original papers.

in the cause, which shall form part of the record of the county court; and the said county court shall possess all the jurisdiction over such causes that is given to county courts in cases of appeals from justices of the peace.

Witnesses.

Sec. 4. *Be it further enacted*, That all the witnesses who are now summoned to attend the superior courts, in any of said cases, shall attend the county courts, under the same rules, and subject to the same penalties for non-attendance, that witnesses are subject to, who are summoned to attend the county courts.

Subpœnas.

Sec. 5. *Be it further enacted*, That it shall be competent for the clerk of the county court to issue any subpœna, required in any cause, that may be transmitted to said court, under this act, at any time after the papers and records of such cause may be delivered to him by the clerk of the superior court.

[Ratified 1st January, 1851.]

CHAPTER LXXXIII.

AN ACT granting original and exclusive jurisdiction of all cases, where the intervention of a jury may be necessary, to the Superior Courts of Law for Columbus county.

County courts, when jury trials to cease.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the twentieth day of August next, it shall not be lawful for the justices of the court of pleas and quarter sessions for Columbus county to try any causes where a jury may be necessary, nor shall they summon any jurors to attend said courts.

Sec. 2. *Be it further enacted*, That it shall be the du-

ty of the clerk of the court of pleas and quarter sessions of Columbus county to make out a transcript of all suits which may be pending in said court, by the last day of August next, and deliver the same to the superior court clerk of said county, together with all such papers as may relate to the said suits, on or before the first day of September, 1851. Duty of county court cl'k.

Sec. 3. *Be it further enacted*, That it shall be the duty of the superior court clerk of said county to receive such transcript and original papers, and immediately enter them on his docket in regular succession, observing the order of precedence of each suit, as indicated by its number; and shall stand in the same order for trial, in the superior court of said county, as they originally stood in the court of pleas and quarter sessions from which they were received. And it is further declared to be the duty of the clerk of said superior court, upon application of plaintiff or defendant, in any suit which may be transmitted to him, in accordance with the directions of this act, to issue subpœnas for witnesses, or other legal process, returnable to the next superior court of said county, under the same rules, and regulations, and penalties, as now prescribed. Duty of Sup. Ct. clerk.

Sec. 4. *Be it further enacted*, That if the clerk of the court of pleas and quarter sessions of said county, or the clerk of the superior court of said county, shall fail or neglect to perform the duties enjoined upon him or them by this act, the clerk so failing shall forfeit and pay the sum of one hundred dollars, for each and every offence, to be recovered, by action of debt, in the name of the State, and to be applied to the use of said county of Columbus. Penalty.

Sec. 5. Be *it further enacted*, That from and after the twentieth day of August next, all suits, except such as are cognizable by a single magistrate, in said county, whether civil or criminal, shall originate in the superior court of said county; and all appeals from the justices of the peace in said county, in all civil cases, and all recognizances by them Process return'ble to Sup. Ct.

taken in criminal cases, shall be returnable to the next superior court of Columbus county.

Wills and caveats for land.

Sec. 6. *Be it further enacted*, That when any will, or paper purporting to be the last will and testament of any person, is brought into the court of pleas and quarter session for probate, and the probate of which is contested, the clerk shall immediately enter the same on the docket, to be kept by him for that purpose, and shall, within ten days after the expiration of the said term of the court, at which the said will or paper purporting to be a will was presented, make out a transcript from his docket, which transcript, with the original will, or paper purporting to be a will, shall be delivered by him to the clerk of the superior court of said county of Columbus; and the clerk of the superior court aforesaid is hereby authorized to receive and enter the same on his docket; and on application of either plaintiff or defendant, to issue subpœnas for the attendance of witnesses; and the said superior court shall have full power and authority to hear, settle and determine such case or cases; and it is also declared to be the duty of the clerk of the superior court of said county, whenever a case may be determined in accordance with the foregoing provisions, to issue a certificate thereof to the clerk of the court of pleas and quarter sessions in which the same originated, with the original will or paper, which shall be received by the county court as evidence of the probate or rejection of said will or paper; and also in all cases of caveat for land, when the intervention of a jury may be necessary, the same proceeding shall be had and observed by the clerk of the county and superior courts of said county, as are prescribed in the sixth section of this act with regard to wills.

Clerk to bind over parties.

Sec. 7. *Be it further enacted*, That the clerk of the court of pleas and quarter sessions for said county is hereby required, at the expiration of August term of said county court, 1851, to take up the State docket in regular order,

and bind over the parties and witnesses concerned to the next succeeding superior court to be held for said county.

Sec. 8. *Be it further enacted*, That the sheriff of Columbus county shall open polls for the purpose of ascertaining the wishes of the people in said county, in regard to the county courts; and that the poll keepers for the election of members of Congress shall keep the polls for the votes given for and against the county courts. Wishes of the people, how taken.

Sec. 9. *Be it further enacted*, That all laws and clauses of laws repugnant to this act, be, and the same are hereby repealed.

[Ratified 28th January, 1851.]

MARRIAGES.

CHAPTER LXXXIV.

AN ACT providing for keeping a record of Marriages in this State.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, every justice of the peace or minister of the gospel, who may solemnize the rites of matrimony between any parties in this State, shall, within three months thereafter, transmit to the clerk of the county court wherein such marriage may have been celebrated, a certificate, in writing of the same, endorsed on the license, or otherwise; which certificate, so Minister or magistrate to certify, and clerk to record marriages.

made and returned, the said clerk shall cause to be recorded in a book kept for the purpose, properly indexed, in one month after its reception; and such record, thus made and kept, shall be deemed and held *prima facie* evidence of such marriage.

Sec. 2. *Be it further enacted*, That any minister or justice, or any clerk of the county court, who shall fail or neg-
Penalty. lect to discharge the duties imposed by the preceding section, shall be subject to a penalty of twenty-five dollars, to be recovered, on motion to the court, by the* imperative duty it shall be to cause to be enforced the penalty incurred by any violation of the provisions of this act; and when recovered, one half to be applied to the use of the school fund of the county, and the other half to the use of the poor of said county.

[Ratified 28th January, 1851.]

* There is evidently an error here, but it is printed according to the original in the Secretary's Office.

MILITIA.

CHAPTER LXXXV.

AN ACT to divide the Regiment of Militia in Stokes county.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Regiment of Militia in Stokes county shall be divided into two distinct and separate Regiments.

Sec. 2. *Be it further enacted*, That that Regiment lying in the east part of the county, shall be called the East Regiment;

and that Regiment lying in the west part shall be called the West regiment.

Sec. 3. *Be it further enacted*, That this act shall be in full force and effect, from and after the ratification thereof.

[Ratified 24th January, 1851.]

CHAPTER LXXXVI.

AN ACT concerning the Militia of Orange and Alamance.

Whereas, by reason of the division of Orange county, the officers and men composing the 48th or Haw Fields Regiment of North Carolina Militia, have been thrown, some into the county of Alamance, and some into the county of Orange : Preamble.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all persons belonging to the said 48th Regiment, who reside in the county of Alamance, be attached to the Haw River Regiment ; and those belonging to the said 48th Regiment, who reside in the county of Orange, be attached to the 47th or Hillsborough Regiment ; and that they be enrolled accordingly. To what regiment attached.

Sec. 2. *Be it further enacted*, That this act be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER LXXXVII.

AN ACT to divide the 66th Regiment of Militia in Forsythe County.

Division, with proviso.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the 66th Regiment of Militia in Forsythe county shall be divided into two distinct and separate regiments: *Provided,* that a majority of the commissioned officers of the said regiment shall, at their next court martial for the regiment, think proper to order the division of the same.

Regiments, what called.

Sec. 2. *Be it further enacted,* That that regiment lying in the east part of the county, shall be called the East Regiment; and that regiment lying in the west part of the county, shall be called the West Regiment.

Sec. 3. *Be it further enacted,* That this act shall be in full force and effect, from and after the ratification thereof.

[Ratified 28th January, 1851.]

CHAPTER LXXXVIII.

AN ACT to exempt a portion of the Militia in Cherokee county from attending General and Batallion Musters in the town of Murphy, and provide for a separate Batallion.

Exm'pt'd.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all the militia living on the north side of Cheorra mountain, in Cherokee county, be, and they are hereby exempt from attending the general and batallion musters hereafter held at the town of Murphy, in Cherokee county: *Provided, how-*

ever, that a separate company shall be formed and organized, by electing their officers and mustering regularly four times a year, in each and every year.

Sec. 2. *Be it further enacted*, That all the commissioned officers shall regularly attend all the drill musters hereafter held at the town of Murphy. Drills.

Sec. 3. *Be it further enacted*, That all fines and forfeitures hereafter levied and collected from an officer or private, shall be applied to the use of said company. Fines.

Sec. 4. *Be it further enacted*, That all that part of Cherokee county lying above Levi Moore's, and running North and South from where said Levi Moore lives, shall be, and the same is hereby made a separate batallion, with all the power and privileges to elect their field officers, that are now required by the military laws of this State. Separate batallion.

Sec. 5. *Be it further enacted*, That all laws and clauses of laws coming in conflict with the provisions of this act, be, and they are hereby repealed; and that this law take effect from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER LXXXIX.

AN ACT to establish an additional Division and Brigade of Militia in North-Carolina.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the 11th and 7th Brigades shall hereafter constitute the 4th Division, and the 10th and 15th Brigades shall constitute the 5th Division of North-Carolina Militia. 4th & 5th divisions.

Sec. 2. *Be it further enacted*, that hereafter the coun-

19th & 20th brigades to form 10th division.

ties of Cherokee, Macon and Haywood shall constitute the 19th Brigade, and the counties of Henderson, Buncombe and Yancy shall constitute the 20th Brigade; and the said 19th and 20th Brigades shall constitute the 10th Division of North-Carolina Militia.

Generals, orders to elect.

Sec. 3. *Be it furthe enacted*, That the Adjutant General shall issue orders, as is now provided by law, to the proper officers in the 20th Brigade, to elect a Brigadier General of said Brigade, and to the officers of the 19th and 20th Brigades to elect a Major General of the 10th Division of North-Carolina Militia.

Officers.

Sec. 4. *Be it further enacted*, That all officers in said brigades and divisions, will continue to hold office, and exercise their command, in the brigades and division hereby established.

Election of Generals.

Sec. 5. *Be it further enacted*, That hereafter all elections of Brigadier and Major Generals shall be made by the commissioned officers of the same brigades and divisions, in the same manner and under the same regulations, as are now provided by law, before the passage of the law giving the said elections to the people.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 29th January, 1851.]

MISCELLANEOUS.

CHAPTER XC.

AN ACT to vest in the President and Directors of the Literary Fund, all property that shall hereafter escheat to the State.

Sec. 1. *Be it enacted by the the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all the property that hereafter escheat to the State, shall be, and hereby is vested in the President and Directors of the Literary Fund, in trust, for the use and benefit of the Literary Fund.

Sec. 2. *Be it further enacted*, That all laws and clauses of laws coming in conflict with this act, be, and the same are hereby repealed.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after ratification.

[Ratified 28th January, 1851.]

CHAPTER XCI.

AN ACT to amend an act of the General Assembly of 1848--9, Chapter 56, entitled "An Act concerning the President and Directors of the Literary Fund."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That hereafter it shall not be lawful for the

Board not to bring suit except in county where cause of act'n may arise.

President and Directors of the Literary Fund to bring any action of ejectment or trespass *quare clausum fregit*, in the court of any county except the county in which the cause of action may arise; and that any action or suit, brought contrary to the provisions of this act, may be abated on the plea of the defendant.

Repealing clause.

Sec. 2. *Be it further enacted*, That the first section of an act of the General Assembly, passed at the session of 1848--9, entitled "An Act concerning the President and Directors of the Literary Fund," authorizing them or any person claiming under them, or justifying under their authority, to remove all suits brought by, or against them, in any of the courts of this State, to the Superior Court of Wake county be, and the same is hereby repealed.

Not to affect suits commenced.

Sec. 3. *Be it further enacted*, That nothing contained in this Statute shall effect any suit or proceedings already commenced.

[Ratified 27th January, 1851.]

CHAPTER XCII.

AN ACT to provide for a Geological and Agricultural survey of the State.

Person, Governor to appoint, &c.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Governor shall, as soon as practicable, select and appoint some suitable person to conduct, under the general supervision of himself and the Literary Board, a Geological, Mineralogical, Botanical and Agricultural survey of the State.

Sec. 2. Be *it further enacted*, That it shall be the duty of the person so selected and appointed, to examine and survey each and every county of the State, to ascertain the different geological formations of each county and section of the State; the nature, character and value of its minerals; the nature and character of its soils, and the best mode of improving the same; the nature and kind of its productions, and their position and relative value; its facilities for manufactories; the extent and value of its water power; the character and value of its botanical productions; the character and value of its timber; and all other facts connected with the subjects of geology, mineralogy, botany and agriculture, which may tend to a full development of the resources of our State; and that the said person so selected and appointed to conduct said survey, shall be authorized to employ such agents and assistants to be approved of by the Governor, as may be neceseary to enable him speedily and successfully to accomplish the objects committed to his charge; and he shall, from time to time, communicate to the Governor, to be by him communicated to the Legislature, a report or reports, in writing, setting forth fully the results of his survey; which reports shall be published under the supervision of the Governor and Literary Board. Duty of person so appointed.

Sec. 3. Be *it further enacted*, That the expenditures incurred by said survey shall not exceed five thousand dollars per annum, to be paid by the Public Treasurer, upon the warrant of the Governor, out of any moneys in the Treasury not otherwise appropriated. Amount appropriated.

Sec. 4. *Be it further enacted*, That it shall be the duty of the person making such survey to deliver lectures upon the subjects committed to his charge, in the villages through which he shall pass: *Provided*, that he shall not thereby delay his other duties. Lectures.

[Ratified 24th January, 1851.]

CHAPTER XCIII.

AN ACT to provide Law Books for the Supreme Court at Morganton.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Clerk of the Supreme Court at Morganton, under the directions of the Judges of said court, shall hereafter apply all moneys, that may be paid over to him, as taxes on attorney's licenses, to the purchase of law books for the Supreme Court library at Morganton.

Money appropriated for purchase of books.

Sec. 2. Be *it further enacted,* That the Judges of the Supreme Court may order the clerk of the Supreme Court, at Raleigh, to transmit to the court library at Morganton, all such law books as they may desire, which can be spared from the library at Raleigh.

Books transfer of

Sec. 3. *Be it further enacted,* That all laws and clauses of laws conflicting with this act, be and the same are hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER XCIV.

AN ACT to prevent the destruction of live stock in the wild range.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all persons, who shall hereafter be guilty of killing, maiming or injuring any live stock running in the range, or in the fields or pastures of the owner, with intent to injure the owner, or to drive the stock from the range, or for any other unlawful pupose, shall be subject to indictment, for malicious mis-

Penalty for killing, or injuring stock.

chief, whether he has malice against the owner or not; and upon conviction, shall be fined and imprisoned at the discretion of the court: *Provided*, that this shall not be construed, to prevent the driving out any stock brought from other States into this State.

Penalty on accessories.

Sec. 2. *Be it further enacted*, That any and all persons who shall aid, advise or counsel any one or more persons to kill, maim, injure or chase any live stock, contrary to the first section of this act, shall be guilty of a misdemeanor, and shall be subject to indictment, either jointly with the person or persons committing the injury, or separately; and, on conviction, shall be subject to the same punishments as is provided in the first section of this act.

[Ratified 28th January, 1851.]

CHAPTER XCV.

AN ACT to amend an act, entitled "An Act to protect the interest of Lessors," passed at the session of 1840-41.

Part of crop pledged for rent, exempt from execution.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That when any lessee of land, for the rent of the land that he shall cultivate, under lease, shall agree to pay a certain share of his or her crop, or specific quantity of grain, so much of the crop of the lessee raised on the farm, held under lease, as will be sufficient to satify the rent of his landlord for the year, shall be exempt from execution; and the crop raised as aforesaid shall not be levied on by virtue of any execution, under any pretence whatsoever, unless the party at whose suit such execution is sued out, shall, before the removal of

such crop from the premises, pay to the landlord of such premises, the full value of such reserved rent, or secure the payment thereof.

Sec. 2. *Be it further enacted*, That if the tenant shall convey, or cause to be conveyed from the premises, any portion of the crop grown thereon, with intent to defraud the landlord and prevent his destraining the same for his rent so reserved, it shall and may be lawful for such landlord, or any person or persons by him for that purpose lawfully empowered, within five days next ensuing such carrying away, or carrying off as aforesaid, to take and seize so much of such crop whereever the same may be found, as shall be necessary to discharge the rent so reserved, and the same to sell, or otherwise to dispose of in such manner as if the said crop had been actually destrained by said landlord upon such premises, for such arrears of rent so reserved; any law or custom to the contrary notwithstanding: *Provided*, that the provisions of this section shall only extend to cases in which the landlord shall have reserved a share of the crop in kind.

If tenant fraudulently remove crop, landlord may seize and sell, &c.

Proviso.

[Ratified 28th January, 1851.]

CHAPTER XCVI.

AN ACT for the better protection of Feme Coverts.

SECTION

1. Authorises the wife to ensure the life of her husband, for her sole benefit.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for any married woman, by her-

self and in her own name, or in the name of any third person, with his or her assent, as her trustee, to cause to be insured, for her sole use, the life of her husband, for any definite period, or for the term of his natural life; and in case of her surviving her husband, the nett amount of insurance becoming due and payable, by the terms of the insurance, shall be payable to her, to and for her own use, free from the claims of the representatives of her husband or his creditors: *Provided, however*, that said exemption shall not apply, when the amount of premium annually paid shall exceed three hundred dollars. Wife may insure the life of her husband. Proviso.

Sec. 2. *Be it further enacted*, That in the case of the death of the wife before the decease of her husband, the amount of the insurance may be made payable, after the death of the husband, to her child or children, for their own use, or to his, her or their guardian, if he, she or they be under the age of twenty one years. Of death of the wife first.

[Ratified 28th January, 1851.]

CHAPTER XCVII.

AN ACT to revive so much of the Revised Statutes, Chapter 34, Sections 1, 2, 7 & 32, as may have been repealed by the act of 1846, entitled "An Act to protect houses and enclosures from wilful injury;" and to repeal so much of said Act of 1846, as has been, or might be, construed to repeal or modify the said sections or any of them.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the act of the General Assembly, passed in the

Part repealed.

year of 1846, entitled "An Act to protect houses and enclosures from wilful injury," as repeals any portion of the 1st, 2nd, 7th, or 32nd sections of the Revised Statutes, chapter 34, entitled "An Act concerning crimes and punishments," be, and the same is hereby repealed, and all and every part and portion of the said 1st, 2nd, 7th & 32nd sections, so repealed, are hereby revived and declared to be in full force and effect: *Provided, however*, that no offence committed against said act of 1846, prior to the passage of this act, shall, by the passage thereof, be pardoned, but the same may be prosecuted and punished, whether the prosecution be begun already or not, in the same manner as though this act had not been passed.

Proviso.

Meaning of act.

Sec. 2. *Be it further enacted*, That it is hereby declared to be the intent and meaning of this act to repeal only so much of the said act of 1846 as concerns the offences mentioned and provided for, in the said 1st, 2nd, 7th and 32nd sections of the Revised Statutes as aforesaid.

[Ratified 22nd January, 1851.]

CHAPTER XCVIII.

AN ACT to amend an act, passed at the session of 1846-7, Chap. 12.

SECTION

1. Corrects an error in the date of the act.

WHEREAS, in the preamble of said act, by mistake, it is made to refer to the act of 1830 instead of 1829, which is the date of the act, to which it is an amendment:

Sec. 1. *Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the second line of the preamble of said act be so amended as to read, passed in 1829, instead of 1830. Error in date corrected.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after the date of its ratification.

[Ratified 28th January, 1851.]

CHAPTER XCIX.

AN ACT to repeal an act, passed at the General Assembly of 1846–47, entitled "An Act to repeal an act, passed in the year 1821, entitled an act to prevent fire hunting for fowls in the county of Carteret."

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the above recited act be and the same is hereby repealed.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after the twenty eigth day of March, 1851.

[Ratified 28th January, 1851.]

CHAPTER C.

AN ACT to repeal an act, passed in 1846–7, entitled "An Act to provide for the opening and clearing out certain creeks in the Counties of Iredell and Rowan."

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same.* That the above recited act be, and the same is hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER CI.

AN ACT to appoint Commissioners to investigate the speculation land claims in the Counties of Buncombe and Yancy.

Courts to appoint commissioners, and their duty.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Court of Pleas and Quarter Sessions of the counties of Buncombe and Yancy, or either of them, shall have power, and are hereby authorized, to appoint three commissioners, whose duty it shall be, on or before the first day of January next, to inquire and ascertain the amount of money expended and paid, and by whom paid, to the State of North Carolina, in procuring grants for lands situated and lying within the boundaries of a grant or patent issued by the State of North Carolina to John Gray Blunt, in , for three hundred and twenty thousand acres of land, situated, lying and being in the county of Buncombe, and covering what is now a part of the county of Yancy; and that said Commissioners report, to the next General Assembly, the names of the persons to whom grants, as aforesaid, have issued, for lands within the boundaries of the said patent, issued by the State to the aforesaid John Gray Blunt, and likewise the amounts paid to the State by each of said grantees respectively.

Sec. 2. *Be it further enacted,* That the commissioners appointed under the foregoing act, before entering upon the duties herein assigned them, shall take an oath, before the clerk of the Court of Pleas and Quarter Sessions of the counties of Buncombe or Yancy, or either of them, faithfully to execute the duties imposed by this act.

Sec. 3. *Be it further enacted,* That the Courts of Pleas and Quarter Sessions of the counties of Buncombe and Yancy, or either of them, may allow said commissioners a fair compensation for their labor and trouble, in executing the provisions of this act; and if the said courts, or either of them,

shall allow such compensation, it shall be paid by said courts out of the funds of the county.

[Ratified 28th January, 1851]

CHAPTER CII.

AN ACT declaratory of the meaning of the tenth section of the sixty seventh Chapter of the Revised Statutes, and to amend an act, entitled "An Act concerning Swamp Lands," being Chapter thirty six of the session beginning in 1842, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the tenth section of the sixty seventh Chapter of the Revised Statutes, as enacts that all the grants and deeds for swamp lands heretofore made, shall be proved and registered in the county where such lands are situate within twelve months, and every such grant or deed not being so registered, within the time aforesaid, shall be utterly void and of no effect, and the title of the proprietor in said lands shall revert to the State of North Carolina, shall be held and construed, and is hereby declared to be applicable to the swamp lands, only, which have been surveyed or taken possession of by the President and Directors of the Literary Fund of North Carolina, or their agents.

Relates to the registry of deeds.

Sec. 2. *Be it further enacted,* That the first and second sections of an act, entitled "An Act concerning Swamp Lands," which was ratified on the twenty first of January, A. D. 1843, shall be held and construed and are hereby declared to be applicable to those Swamp Lands only which have been surveyed or taken possession of by the President and

1st & 2nd secs. of act of 1843, to what lands applicable.

Directors of the Literary Fund of North Carolina, or their agents; and that with regard to all other lands, the said sections be, and the same are hereby repealed: *Provided*, that nothing in this act contained shall affect any rights which may have accrued before the ratification of this act.

[Ratified 28th January, 1851.]

CHAPTER CIII.

AN ACT to extend the time for registering Grants, mesne conveyances, powers of Attorney, Bills of Sale and Deeds of Gift.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all grants of land in this State, all deeds of mesne conveyance, powers of attorney, under which any lands, tenements or hereditaments have been, or may be conveyed; all powers of attorney, which are required to be proved and registered by any act of the General Assembly; all bills of sale, deeds of gift already proved, or which may hereafter be proved, shall and may, within two years after the passage of this act, be admitted to registration, under the same rules, regulations and restrictions as heretofore appointed by law; and said grants, deeds of mesne conveyance, powers of attorney, bills of sale and deeds of gift, shall be as good and valid as if they had been proved and registered within the time heretofore allowed: *Provided*, that nothing herein contained shall be construed to extend to mortgages and conveyances in trust or marriage settlement.

Proviso.

[Ratified 28th January, 1851.]

CHAPTER CIV.

AN ACT to protect Wells, Springs and Cisterns of Water against wilful injuries.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That if any person shall wilfully put into the well, spring or cistern of water, of any other person, any substance or thing, whereby such well, spring or cistern may be endamaged, or the water thereof be made less wholesome or fit for use, he shall be guilty of a misdemeanor, and may be indicted for the same in the county or superior court; and on conviction, shall be fined or imprisoned, or both, at the discretion of the court.

[Ratified 27th January, 1851.]

CHAPTER CV.

AN ACT concerning Deeds of Trust and Marriage Settlements.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the registry or duly certified copy of any deed of trust, or marriage settlement, conveying personal or real property for the benefit of married persons, registered as is now required by law, shall and may be given in evidence in any court of record, and shall and may be held to be full evidence of such deed of trust or marriage settlement, although the loss or absence of the original should not be accounted for, unless by a rule or order of court, made upon affidavit suggesting some material variance from the origi-

Registry of deeds may be given in evidence.

Exceptions.

nal in such registry, or other sufficient grounds, in the discretion of said court, such party shall be required to produce the original, in which case the same shall be produced or accounted for according to the course and practice of the court.

[Ratified 28th January, 1851.]

CHAPTER CVI.

AN ACT to amend an act of the General Assembly of North-Carolina, passed at its session of 1848-49, entitled "An Act more effectually to prevent the selling or giving away of Spirituous Liquors at or near places of Public Worship."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the second section of an act of the General Assembly of the State of North-Carolina, passed at its session of 1848-49, entitled "An Act more effectually to prevent the selling or giving away of spirituous liquors at or near places of public worship," be, and the same is hereby repealed.

Second section repealed.

Sec. 2. *Be it further enacted,* That so much of the provisions of the first section of said act as forbids the giving away of spirituous liquors, as therein specified, is hereby repealed.

Part of 1st section repealed.

[Ratified 28th January, 1851.]

CHAPTER CVII.

AN ACT allowing decrees of Courts of Equity, in certain cases, to transfer legal titles.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That in any suit in equity, wherein the court shall declare that a party is entitled to the possession of any property, either real or personal, the legal title whereof may be in another or other parties to such suit, and the court shall decree a conveyance of such legal title to the party so declared to be entitled, the court, after declaring the right and decreeing the conveyance, shall have power also, to be used at its discretion, to declare in the decree there made, or in any afterwards made in the progress of the cause, that the effect thereof shall be to transfer to the party so declared to be entitled, the legal title of the said property, to be held in the same plight, condition and estate as though the conveyance decreed was in fact executed; and such declaration of the court shall be as effectual, to all intents and purposes, to convey the legal title of the property, as such conveyance would if the same were duly executed; and shall bind and entitle the parties decreed to execute or to take benefit of the conveyance in and to all such provisions, conditions and covenants, as may be decreed to attend the conveyance, in the same manner and to the same extent, as the conveyance would if executed according to the decree; and any party taking benefit under the decree, may have the same redress at law on account of the matter decreed, as he might on the conveyance, if the same had been executed.

Decree, if court so declare, shall convey legal title, tho' that title may be held by another.

Sec. 2. *Be it further enacted*, That such decree, wherein the transfer of title shall be declared, shall be regarded as a deed of conveyance, and shall be registered, in the proper county, under the same rules and regulations as are or may be prescribed for conveyances of similar property, executed by the party; and all laws which may be passed for

Decree to be regarded as a deed.

extending the time for registration of deeds, shall be deemed to include such decrees, provided the conveyance, if actually executed, would be so included.

Copy of decree from Register's books, evidence.

Sec. 3. *Be it further enacted*, That in all legal proceedings, touching the rights of parties derived under such decree by virtue of this act, a certified copy, from the register's books, of the decree, shall be plenary evidence both of its existence and of the matters therein contained.

Decree, how registered.

Sec. 4. *Be it further enacted*, That in order to have such decree registered, the party desiring it shall produce to the register a copy thereof, certified by the clerk of the court in which it is made and enrolled under the seal of his court; and the register shall register both the decree and the certificate; and for such services shall be allowed a fee of one dollar.

Decree, enforcement of.

Sec. 5. *Be it further enacted*, That nothing contained in this act shall be construed to impair the power of the court in enforcing the decree in the manner now used; but the court may proceed to compel performance thereof in the same manner as though this act had not passed.

[Ratified 28th January, 1851.]

CHAPTER CVIII.

AN ACT to amend the seventh section of the fifth chapter of the Revised Statutes in relation to Apprentices.

SECTION

1 Provides that colored apprentices may be removed from one county to another, by leave of the court.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That

when a citizen of any county of this State, to whom any colored apprentice shall have been heretofore, or may be hereafter bound, shall or may be desirous of moving from the county in which the indentures of apprenticeship may have been executed, to any other county in this State, and shall or may be desirous of taking said apprentice to the county to which he may be about to remove, for the purpose of having said apprentice there rebound, it shall and may be lawful for the court of pleas and quarter sessions of the county in which said apprentice was originally bound, upon sufficient cause being shewn therefor, to grant to such master license and authority to take said apprentice with him to such county of this State, to which he may be removing, for the purpose aforesaid: *Provided, however*, that said court shall, before the granting of said license or authority, require the said master to enter into bond, in the sum of five hundred dollars, with good and sufficient security, payable to the State of North-Carolina, and conditioned that he will not take the said apprentice beyond the limits of this State, and will cause the said apprentice to be bound in the county to which he is about to remove: *Provided further*, that said court shall not grant any license to remove any colored apprentice farther than to a county adjoining the county from which said removal is made.

May be removed to adjoining county.

Proviso.

[Ratified 28th January, 1851.]

CHAPTER CIX.

AN ACT authorizing the justices of the court of pleas and quarter sessions of the county of Warren to sell certain property belonging to said county.

Sec. 1. *Be it enacted by the General Assembly of the State*

Sale of public square.

of North-Carolina, and it is hereby enacted by the authority of the same, That it shall be lawful for the justices of the court of pleas and quarter sessions of the county of Warren, a majority being upon the bench, if they shall deem it expedient and proper so to do, to order the sale of the whole or any part of the public square in the town of Warrenton, upon which the jail now stands, it being the square opposite to that on which the Court House stands, at such time, and in such manner, and upon such terms, as they may deem just and reasonable, and to apply the proceeds of the sale to any proper and necessary purpose for the benefit of said county.

Deed.

Sec. 2. Be *it further enacted,* That if a sale of said property shall be ordered, in the manner hereinbefore mentioned, it shall be lawful for the justices of said county, a majority being on the bench, to designate by what person or persons the deed shall be executed for the conveyance of the same; and any deed executed according to the directions of any such order, shall be sufficient to convey to the purchaser all of the right, title and interest of the county of Warren, in the property aforesaid.

Sec. 3. Be *it further enacted,* That this act shall be in force, from and after its ratification.

[Ratified 27th January, 1851.]

NAVIGATION.

CHAPTER CX.

AN ACT to improve the Deep river and the Yadkin river, and to connect the two rivers by means of a Portage Rail-road.

Commissioners to open books of subscription.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful to open books in the town of Wilmington, under the direction of A. G. Derosette, John McRea, Miles Costin, P. R. Dickinson, O. G. Parsley, or any three of them: At Fayetteville, under the direction of James C. Dobbin, John D. Williams, A. A. McKethan, T. N. Cameron, or any three of them: At Pittsboro', under the direction of John Haughton, Spence McClenahan, Isaac Clegg, Maurice Q. Waddell, or any three of them: At Haywood, under the direction of R. K. Smith, Robert Faucette, William Crump, Elias Bryan, or any three of them: At Carthage, under the direction of Angus Kelly, Samuel J. Person, Dr. Bruce, Charles Chalmers, or any three of them: At Asheboro', under the direction of Jonathan Worth, William B. Lane, J. M. Drake, Alfred Marsh, or any three of them: At Hill's Store, under the direction of Samuel Hill, Aaron Hill, Robert Gardner, Jesse Thornburg, Zebedee Rush, or any three of them: at Franklinsville, under the direction of George Makepeace, H. B. Elliott, Alexander Harney, or any three of them: At Jackson Hill Post Office, in Davidson county, under the direction of Allen Newsom, Hiram Ward, Daniel Spence, Jerre Aderton, Gray Wood, or any three of them: At Travis Daniel's, under the direction

of T. Daniel, Jesse Holmes, William Harris, John Ward, or any three of them: At Troy, under the direction of Nat. Knight, William Lassiter, Peter Monroe, L. Simmons, Zebedee Russel, or any three of them: At Lexington, under the direction of J. M. Leach. W. R. West, Thales McDonald, J. P. Mabry, J. P. Stinson, M. Pinckston, or any three of them: At Salisbury, under the direction of A. H. Caldwell, O. G. Foard, John I. Shaver, J. F. Chambers, or any three of them: At Brinkley's Ferry, under the direction of Mr. Brinkley, Green Morgan, Bushwell Crowder: At Mocksville, under the direction of John A. Lillington, Braxton Bailey, Col. Harbin, A. G. Carter, or any three of them: At Huntsville, under the direction of N. C. Williams, Col. Puryear, Peter R. Hairston, Stephen Douthitt, G. A. Miller, or any three of them: At Salem, under the direction of J. Boner, F. Fries, John Wogler, J. Blackburn, T. I. Wilson, or any three of them: At Rockford, under the direction of William Dobson, Tyre Glenn, Col. Armstrong, or any three of them: At Wilkesboro', under the direction of Col. W. P. Waugh, James Parks, A. M. Foster, L. B. Carmichael, Iray Findley, or any three of them: and at such other places, and under the direction of such other persons, or any three of the commissioners hereinbefore named, to superintend the receiving of subscriptions, as the commmissioners at Ashboro' shall direct, for the purpose of receiving subscriptions to an amount not exceeding eight hundred thousand dollars, in shares of one hundred dollars each, for the purpose of effecting a steam boat navigation from Hancock's mills, in Moore county, to the mouth of Fork creek, in Randolph county, for constructing a portage railroad from the mouth of Fork creek to the Yadkin river near Jesse Holmes' mill; and for the purpose of effecting a navigation for steam boats from Jesse Holmes' mill to where the Central railroad may cross he Yadkin river; and for providing everything necessary and convenient for the purpose of transportation.

Amount and ojects of subscriptions.

Sec. 2. The time and places for receiving subscriptions shall

be advertised in one or more newspapers published in the towns of Wilmington, Pittsborough, Salem and Asheboro,' and the books for receiving the same shall not be closed in less than thirty days; and if it shall appear that more than 8000 shares of the capital stock aforesaid shall have been subscribed for within the said thirty days, it shall be the duty of the said commissioners at Ashborough, or any three of them, to reduce the number of shares subscribed for, among the subscribers, in fair and equal proportions, to the amount subscribed for respectively by each, until the whole amount of shares shall be reduced to eight thousand; but if the whole amount shall not be subscribed for within thirty days from the time the books shall have been opened to receive subscriptions, then the books may be closed or continued open, or closed and re opened without further notice, as a majority of the above named commissioners at Asheborough may judge to be most expedient, until the whole number of shares shall be subscribed for. Advertisement, amount, sealing subscription, &c.

Sec. 3. When one thousand shares shall be subscribed for, in the manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of "The Great Western River and Railroad Transportation Company;" and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as shall be necessary for the purpose hereinafter mentioned, and no further, and shall have perpetual succession, and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at their pleasure, and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act, and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting the affairs of the company. When 1000 shares are subscribed, &c.

Stock, payment of.

Sec. 4. Upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscriptions, the sum of two dollars on every share subscribed; and the residue thereof shall be paid in such instalments and at such times as may be required by the President and Directors of said company. The said commissioners, or their agents, shall, forthwith, after the first election of President and Directors of the company, pay over to the said President and Directors all monies received by them; and on failure thereof, the said President and Directors may recover the amount due from them, or from any one or more of them, by motion, on ten days previous notice, in the court of pleas and quarter sessions, or the superior court of law, in any county wherein such commissioner or commissioners, their executors or administrators, may reside, or by warrant before a justice of said county.

Sec. 5. When five hundred shares or more of the stock shall have been subscribed, public notice of that event shall be given by three or more of the said commissioners at Ashboro', who shall have power at the same time to call a general meeting of the subscribers, at such convenient place and time as they shall name in said notice. (To constitute any such meeting, a number of persons entitled to a majority of all the votes, which could be given upon all shares subscribed, shall be present, either in person or by proxy: if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have power to adjourn from time to time, until a meeting shall be formed.)

General meeting.

Sec. 6. The subscribers, at their general meeting before directed, and the proprietors of stock, at every annual meeting thereafter, shall elect a President and five directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the President or any of the Directors may at any time be removed, and the vacancy thereby occasioned, be filled by a majority of the votes given at any

Directors, election of.

general meeting. The President, with any two or more of the Directors, who shall appoint one of their own body President pro tempore, shall constitute a board for the transaction of business. In case of vacancy in the office of President or any Director, happening from death, resignation, removal or disability, such vacancy may be supplied by appointment of the board until the next annual meeting.

Locks and dams.

Sec. 7. The President and Directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction and repair, with as many locks and dams as they or a majority of them may deem necessary, and also, for the construction and repair of a portage railroad, and also, to make and continue all works whatever, which may be necessary and expedient, in order to the proper completion of the work.

Contracts.

Sec. 8. The said President and Directors shall have power to make contracts with any person or persons, in behalf of the company, for constructing said road and performing all other works respecting the same, which they shall judge necessary and proper; and to receive from the subscribers, from time to time, such advances of money on their respective shares, as the wants of the company demand, until the whole of their subscriptions shall be advanced; to call, on any emergency, a general meeting of the subscribers, giving one month's notice thereof in one of the newspapers printed in Raleigh. To appoint a treasurer, clerk, and such other officers as they may require, and to transact all the business of the company, during the intervals between the general meetings of the stockholders.

Stock, to pay in money or work.

Sec. 9. *Be it further enacted*, That the stockholders in said company, shall be allowed to pay any part or the whole of their subscriptions, either in cash, or in work, at cash value, to be estimated by the chief engineer, and approved of by the President and Directors.

Sec. 10. If any stockholder shall fail to pay the sum required of him by the President and Directors, or a majority

Failure to pay.

of them, within one month after the same shall have been advertised in one of the newspapers published in the town of Raleigh, it shall and may be lawful for the President and Directors, or a majority of them, to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale, in manner aforesaid; and after retaining the sum due, and all charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner or his legal representative; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the President and Directors may recover the balance of the original proprietor, or his assignee, or the executor, or administrator, or either of them, by suit in any court of record having jurisdiction thereof, or by warrant before a justice of the county of which he is a resident; and any purchaser of the stock of the company under the sale by the President and Directors, shall be subject to the same rules and regulations as the original proprietors.

Lands to be entered upon.

Sec. 11. *Be it further enacted*, That the said President and Directors, their officers and servants, shall have full power and authority to enter upon all lands and tenements through which they may desire to conduct their works, and to lay out the same according to their pleasure, so that the mill house, yard or other buildings of no person be invaded without his consent; and they shall have power to enter upon and lay out such contiguous land, as they may desire to occupy, as sites for depots, toll houses, ware houses, work shops and other buildings for the necessary accommodation of their officers, agents and servants, their horses, mules and other cattle, and for the protection of the property entrusted to their care: *Provided*, that the land so laid out shall not exceed one and a half acres in any one parcel. If the President and Directors cannot agree with the owner or owners of the land so entered on and laid out by them, as to

Proceedings upon disagreement.

the terms of purchase, it shall be lawful for them to apply to the court of pleas and quarter sessions of the county in which such land or the greater part thereof may lie; and upon such application, the court shall appoint five disinterested and impartial freeholders to assess the damages to the owners, from the condemnation of the land for the purpose aforesaid. No such appointment, however, shall be made unless ten days previous notice of the application shall have been given to the owner of the land, or to the guardian, if the owner be an infant, or to the committee, the owner being *non compos mentis*, if such owner, guardian or committee can be found within the county, or if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the Court House of the county, and shall have been posted at the door of the Court House, on the first day at least of the next preceding term of the said court. A day for the meeting of said freeholders, to perform the duty assigned them, shall be designated in the order appointing them, and any one or more of them attending on the day, may adjourn from time to time until their business shall be finished: Of the five freeholders so appointed, any three or more of them may act, after having been duly sworn, or solemnly affirmed before some justice of the peace, that they will impartially and justly, to the best of their ability, ascertain the damages which will be sustained by the proprietor of the land from the condemnation thereof for the use of the company, and that they will truly certify their proceedings thereupon to the court of said county.

Sec. 12. It shall be the duty of said freeholders, in pursuance of the order appointing them, to assemble on the land proposed to be condemned, and after running the same and hearing such proper evidence as the parties may offer, they shall ascertain, according to their best judgment, the damages which the proprietor of the land will sustain, by the condemnation thereof, for the use of the company. In perform- Freeholders to meet on land,

ng this duty, they shall consider the proprietor of the land as being the owner of the whole fee simple interest therein, they shall take into consideration the quality and quantity of the land to be condemned, the additional fencing that will be required thereby, and all benefits as well as inconveniences which will result to the proprietor from the condemnation thereof.

Report of freeholders.

Sec. 13. When the said freeholders shall have agreed upon the amount of damages, they shall forthwith make a written report of their proceedings, under their hands and seals, in substance as follows: We, ——, freeholders appointed by an order of the court of pleas and quarter sessions for the purpose of ascertaining the damages that will be sustained by ———, the proprietor of certain lands in said county, which the President and Directors of "The Great Western River and Railroad Transportation Line" propose to condemn for their use, do hereby certify that we met together on the land aforesaid, on the — day of ———, the day [appointed] therefor by the said order, (or the day to which we were regularly adjourned from the day appointed for our meeting by the said order) and that having been first duly sworn, and having visited the premises, we proceeded to estimate the quantity and quality of land aforesaid, the quantity of additional fencing which would probably be occasioned by the condemnation, and all benefits as well as conveniences which seemed to us likely to result therefrom to the proprietor of the land. That under the influence of these considerations, we have estimated and do hereby assess the damages aforesaid at the sum of ———. Given under our hands and seals, this —— day of ———. At the foot of the report so made, the magistrate, before whom the said freeholders are sworn, shall make a certificate, in substance as follows: I, ——, a justice of the peace of said county, do hereby certify that the above named freeholders, before they executed their duties as above certified, were solemnly sworn (or affirmed) before me, that they would impartially and justly, to the best of their ability, ascertain the damages

which would be sustained by the above named ———, by the condemnation of the above named land for the use of "The Great Western Railroad and River Transportation Company," and they would certify hereby their proceedings thereupon to the court of said county. Given under my hand, this —— day of ———.

Report to be returned to court.

Sec. 14. The report of the freeholders so made, together with the certificate of the justice of the peace as aforesaid, shall be forthwith returned by the said freeholders to the court of the county; and unless good cause can be shown against the report, it shall be confirmed by the court and entered on record. But if the said report should be disaffirmed, or if the said freeholders, being unable to agree, should report their disagreement, or from any other cause, they should fail to make a report within a reasonable time after their appointment, the court may, in its discretion, as often as may be necessary, supercede them or any of them, appoint others in their stead, and direct another view and report to be made in the same manner as above prescribed.

Confirmation of report.

Sec. 15. On the confirmation of any such report, and on payment, or tender to the proprietors of the land, of the damages so assessed, or the payment of said damages into court, when, for good cause shewn, the court shall have so ordered it, the land reviewed and assessed as aforesaid, shall be vested in "The Great Western River and Railroad Transportation Company," and they shall be adjudged to hold the same in fee simple, in the same manner as if the proprietor had sold and conveyed it to them.

Pending proceedings.

Sec. 16. While these proceedings are depending, for the purpose of ascertaining the damages to the proprietor for the condemnation of his land, and even before they shall have been instituted, the President and Directors, if the interest of the company requires it, may, by themselves, their officers, agents and servants, enter upon the lands laid out by them as aforesaid and which they desire to condemn, and apply the same to the use of the company. If when they so take possession, proceedings to ascertain the damages as aforesaid, be

pending, it shall be their duty diligently to prosecute them to a conclusion; and when the report of the freeholders ascertaining the damages shall be returned and confirmed, the court shall render judgment in favor of the proprietor of the land for the amount thereof, and either compel its payment into court or award a process of execution therefor, as to them shall seem right.

Order or injunction.

Sec. 17. In the mean time no order shall be made, and no injunction shall be awarded by any court or judge to stay the proceedings of the company in the prosecution of their work, unless it be manifest that their officers, agents and servants are transcending the authority given them by this act; and that the interposition of their court is necessary to prevent injury that cannot be adequately compensated for in damages.

Of failure of company to apply for condemnati'n of land,

Sec. 18. If the President and Directors shall take possession of any land, before the same shall have been purchased by them, or condemned and paid for, according to the provisions of this act, and shall fail for forty days to institute proceedings for its condemnation as aforesaid, or shall not prosecute with due diligence the proceedings commenced for that purpose, it shall be lawful for the proprietor of the land, upon giving to the said President and Directors, or any one of them, ten days previous notice, to apply to the court of the county in which the land or the greater part thereof shall lie; and upon such application, the court shall appoint five disinterested and impartial freeholders, to assess the damages to the owner from the condemnation of his lands for the use of the company, shall appoint a day for their meeting, to report the duties assigned them, and shall dismiss, at the cost of the company, any proceedings then depending in their behalf for the condemnation of the said land. The freeholders so appointed, any three or more of whom may act, shall proceed in the performance of their duties in all respects in the same manner as if they had been appointed on the application of the President and Directors of the company. And the court shall in like manner affirm or disaffirm their report, super-

sede them, or any of them, and appoint others in their stead, or direct another view and report to be made as often as may be necessary; and when any such report, ascertaining the damages, shall be confirmed, the court shall render judgment in favor of the proprietor for the damages so assessed, and double the costs; and shall, thereupon, either compel the company to pay into court the damages and costs so adjudged, or award a process of execution therefor, as to them shall seem right.

Title.

Sec. 19. When the judgment rendered for the damages and costs, shall be satisfied by the payment of the money into court, or otherwise, the title of the land for which such damages are assessed, shall be vested in the company in the same manner as if the proprietor had sold and conveyed it to them.

Adjacent lands.

Sec. 20. The said President and Directors, for the purpose of constructing their work aforesaid and the works necessarily connected therewith, or of repairing the same, after they shall have been made, or of enlarging or otherwise altering the same, shall be at liberty, by themselves, their officers, agents or servants, at any time, to enter upon any adjacent land, and to cut, quarry, dig, take and carry away therefrom any wood, stone, gravel or earth which they may deem necessary. *Provided, however,* that they shall not, without the consent of the owner, cut down any fruit trees, or any tree preserved in any lot or field for shade or for ornament, nor take any timber, gravel, stone or earth constituting any part of the fence or building. For all wood, stone, gravel or earth, taken under authority of this act, and for all incidental injuries done to the enclosures, crops, woods or grounds, in taking or carrying the same away, the said President and Directors shall make to the owner a fair and reasonable compensation, to be ascertained, if the parties cannot agree, by three impartial and disinterested freeholders, who, being appointed for that purpose by any justice of the peace thereto required

by the owner, shall be sworn by him and shall then ascertain the compensation upon their own view of the wood, stone, gravel or earth taken, and of the injury done as aforesaid in taking them. *Provided, however*, that it shall be the duty of the owner or owners to show to the justice of the peace to whom the application is made, that ten days previous notice of the time of making the same has been given to the President or one of the principal agents of the company; and no award which may be given under any appointment, without such notice, shall be obligatory or binding on said company: *provided, however*, that either party not satisfied with the award which may be given as above, may appeal to the court of pleas and quarter sessions of the county in which the land may be situated, who may, as in the case of assessment of land, confirm or disaffirm the report of the freeholders, supersede them, or any of them, and appoint others in their stead, or direct another view and report to be made as often as may be necessary.

Injury to land.

Sec. 21. If the said President and Directors, in entering upon the land of any person under the authority of this act, for the purpose of laying out or constructing, enlarging, altering or repairing any of their said works, shall, by themselves, or their officers, do any wanton or wilful injury to such land, or its appurtenances, or to the crop growing or gathered, or to any other property thereon, "The Great Western River and Railroad Transportation Company," shall pay to the persons so injured double the amount of damages, which shall be assessed by a jury in any proper action therefor; or if said injury be done by any person or persons who may have contracted with the company for the construction of any portion of their work, or of any of the works connected therewith, he or they shall be responsible to the party injured in the like amount.

Repealing clause.

Sec. 22. *Be it further enacted*, That all acts and clauses of acts, which come within the purview and meaning of this

act, or which give rights, privileges and franchises at variance with those given by this act, but which rights, privileges and franchises have not as yet been used and enjoyed, be, and they are hereby declared to be repealed and made void.

Boats, purchase of, &c.

Sec. 23. The said President and Directors, or a majority of them, shall have power to purchase, with the funds of the company, and place on the river, which shall have been improved, boats of any description whatever, and upon the portage railroad, when it shall have been constructed, such means of transportation as to them may appear desirable, or if they should deem it most expedient to do so, they may contract with any individual or individuals for effecting the transportation of the same.

Personal property, and exempt from tax

Sec. 24. All boats and cars, and other property purchased as aforesaid with the funds of the company, or engaged in the business of transportation on said river or rivers, and portage railroad, and all the works of the said company constructed, or property acquired under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective stockholders of the company forever, in proportion to their respective shares, and the same shall be deemed personal estate, and shall be exempt from any public charge or tax whatsoever, for the term of fifteen years; and thereafter the Legislature may impose a tax not exceeding twenty-five cents per annum, per share, on each share of the capital stock, whenever the annual profits thereof shall exceed six per cent.

Boats, &c. for transportation.

Sec. 25. When this work shall have been completed, the company shall at all times furnish and keep in good repair the necessary boats and cars, and other requisites for the safe and convenient transportation of persons and property; and it shall be their duty, at all times, upon the payment, or tender of the tolls hereby allowed, to transport to any depot on the river or railroad, which the owner of the goods

may indicate, and there to deliver all articles which shall be delivered to them, for transportation, or offered to them in proper condition to be transported at some depot on the rivers or portage railroad most convenient for the reception thereof.

Transportation.

Sec. 26. They shall give no undue preference in transportation to the property of one person over that of another, but as far as practicable shall carry each in the order of time in which it shall be delivered or offered for transportation with tolls paid or tendered. If the company or any of its officers or agents shall fail to receive, transport, or deliver in due time, any property so offered or delivered to them for transportation, or shall fail to take up or set down any passengers, at the regular depots or stopping places, on the railroad and river, as they may direct, upon the payment, or tender of the passage money hereby allowed, they shall forfeit and pay to the party so injured, double the amount of the lawful toll paid or tendered; and shall moreover be liable for an action on the case, in which full damages and costs shall be recovered.

Tolls.

Sec. 27. So soon as any portion of the river and portage railroad, hereby authorized, may be in readiness for transportation, it shall be lawful for the said President and Directors to transport, by their officers or agents, or by contractors under them, persons and property on the same; and they shall have power to charge for the transportation of persons, goods, produce, merchandize and other articles, and for the transportaton of the mails, any sum not exceeding the following rates, viz: on persons, not exceeding six cents per mile for each person; for the transportation of goods, produce and merchandize, and other articles, not exceeding an average of ten cents per ton per mile; and for the transportation of the mail, such sums as they may agree for; and the said President and Directors shall be furthermore entitled to demand and receive for the weighing, storage, and

delivering of produce and other commodities at their depots and warehouses, rates not exceeding the ordinary warehouse rates charged for such services.

Dividends.

Sec. 28. As soon as the river or rivers shall be made navigable for steamboats of light draft, and the portage rail-road, or a part of it, shall be constructed, the President and Directors shall, at their discretion, annually or semi-annually, declare and make such dividends as they deem proper of the nett profits arising from the resources of the said company, after deducting the necessary current and probable contingent expenses of the said company; and shall divide the same among the proprietors of the stock of the said company, in proportion to their respective shares.

Annual meetings.

Sec. 29. An annual meeting of the subscribers to the said stock of the said company shall be held at such time and place, in each year, as the stockholders at their first general or at any subsequent meeting may appoint; to constitute which, or any general meeting called by the President and Directors, according to the provisions of this act, the presence of proprietors entitled to a majority of all the votes which could be given by all the stockholders, shall be necessary, either in person or by proxy, properly authorized; and if a sufficient number do not attend on that day, or any day appointed for a general meeting called by the directors as aforesaid, the proprietors who do attend may adjourn from time to time, until a general meeting shall be had.

Votes.

Sec. 30. In counting all votes of the said company, each member shall be allowed one vote for every two shares not exceeding four shares; one vote for every four shares above four shares, and not exceeding ten shares; and one vote for every five shares above ten, by him held, at the time, in the stock of the company: *Provided, however*, That no stockholder, whether an individual, body politic or corporate, shall be entitled to more than sixty votes on any amount of the capital stock of said company held by him or them.

Sec. 31. The President and Directors shall render dis-

Report of proceedings and prosecution of work.

tinct accounts of their proceedings and disbursements of money to the annual meeting of the stockholders. The works hereby required of the company, shall be executed with diligence; and if they be not commenced within four years after the passage of this act, and finished within ten years after the first general meeting of the stockholders, then this charter shall be forfeited.

Certificates of stock.

Sec. 32. The President and Directors shall cause to be written or printed certificates for the shares of the stock in said company, and shall deliver one such certificate, signed by the President and countersigned by the Treasurer, to each person, for the number of shares subscribed by him, which certificate shall be transferable by him, subject, however, to all payments due or to become due thereon; and such assignee having first caused the transfer, or assignment to be entered in a book of the company, to be kept for that purpose, shall thenceforth become a member of the said company, and shall be liable to pay all such sums due, or which shall become due upon the stock assigned to him: *Provided, however*, that such assignment shall in no wise exempt the assignee, or his representative, from the liability to the said company, for the payment of all such sums, if the assignee, or his representatives, shall be unable, or fail to pay the same.

Reduction of tolls.

Sec. 33. Be *it further enacted*, That if at any time hereafter, the above rates of toll and transportation shall enable the said President and Directors, after the payment of all necessary expenses, and after setting apart a fair and reasonable sum for the renewal and repair of said work, warehouses, depots, boats, engines, cars, and other works, to divide more than twenty per cent. on their capital stock invested, that the said rates of toll and transportation shall be so reduced by the said President and Directors, as to enable them to divide twenty per cent. and no more.

Sec. 34. Be *it further enacted*, That no person shall be

eligible as President or Director of said company, unless he be a resident citizen of this State. Eligibility.

Sec. 35. *Be it further enacted*, That the corporate powers herein granted shall be and enure for ninety-nine years and no longer, unless renewed by the competent authority. Corporate existence.

Sec. 36. That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandise and produce, over the said portage railroad, to be by them constructed, at such charges as may be fixed on by a majority of the directors. Conveyance of persons.

Sec. 37. That the said company may, when they see fit, farm out their right of transportation over said portage railroad, subject to the rules above mentioned; and said company, and every person who may have received from them the right of transportation of goods, wares and produce, on the portage railroad, shall be deemed and taken to be a common carrier, as respects all goods, wares, produce and merchandise, entrusted to them for transportation. Farming out right.

Sec. 38. That the said company may, at any time, increase its capital to a sum sufficient to complete said improvement, not exceeding —— dollars, either by opening books for more stock, or by selling such new stock, or by borrowing money on the credit of the company, and on the mortgage of its charter and works; and the manner in which the same shall be done, in either case, shall be prescribed by the stockholders at a general meeting. Increase of capital.

Sec. 39. That the company shall have the right, when necessary, to conduct the portage railroad across, or along any public road or water course: *Provided*, That the said company shall not obstruct any public road without constructing another equally as good and as convenient, nor without making a draw in any bridge of said portage road, which may cross a navigable stream, sufficient for the passage of vessels navigating such stream, which draw shall be Portage railroad.

opened by the company, for the free passage of vessels navigating such stream.

Penalty.

Sec. 40. That if any person or persons shall intrude upon the said portage railroad, the locks and dams by any manner of use thereof, or of the rights and privileges connected therewith, without the permission, or contrary to the will of the said company, he, she, or they, may be indicted for misdemeanor, and upon conviction, fined and imprisoned by any court of competent jurisdiction.

Exemptions.

Sec. 41. That the following officers and servants, and persons, in the actual employment of the said company be, and they are hereby exempted from the performance of jury, and ordinary militia duty: The President and Treasurer of the Board of Directors, and chief and assistant engineers, the secretaries and accountants of the company, keepers of the depositories, guard stationed on the road and rivers, to protect the same from injury, lock keepers, and such persons as may be working the locomotive engines and travelling with cars for the purpose of attending to the transportation of produce, goods and passengers on the portage road or said rivers.

Penalty.

Sec. 42. If any person shall wilfully and maliciously destroy, or in any manner hurt, or damage, or obstruct, or shall wilfully and maliciously cause, or aid, or assist or counsel and advise any other person or persons to destroy, or in any manner hurt, damage, or destroy, injure or obstruct the said portage railroad, or any bridge or vehicle used for, or in the transportation thereon, any water tank, warehouse, lock, dam or boat, or any other property of said company, such person or persons, so offending, shall be liable to be indicted therefor, and on conviction, shall be imprisoned, not more than six, nor less than one month, and pay a fine not exceeding five hundred dollars, nor less than twenty dollars, at the direction of the court before which said conviction shall take place, and shall be further liable to pay all expenses of repairing the

same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading, or giving in evidence that he was the owner, agent, or servant of the owner of the land where such destruction, hurt, damage, injury, or obstruction was done at the time the same was done, or caused to be done.

[Ratified 28th January, 1851.]

CHAPTER CXI.

AN ACT to improve Haw River.

Commissioners to open books for subscription.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful to open books in the town of Haywood, under the direction of Robert Faucette, Richardson Faucette, William Crump, John Williams, or any two of them; at Pittsboro', under the direction of J. J. Jackson, William T. Horn, Maurice Q. Waddell, Spence McClenahan, or any two of them; at Hackney's Cross Roads, under the direction of John Hackney, Albert Hinton, Henry Ward, James Griffin, or any two of them; at Love's Store, under the direction of Robert Love, Atlas Baldwin, Joseph Baldwin, Thomas Farrar, or any two of them; at Newland's Mill, under the direction of John Newland, Oliver Newland, Isaac Holt, Jonathan Zacharay, or any two of them; at the Cane Creek Factory, under the direction of William Albright, Joseph Dickson, John Stafford, Joshua Lindley, or any two of them; at Hillsborough, under the direction of John Berry, William H. Brown, Osmund F. Long, Cadwallader Jones, Jr., or any two of them; at Graham, under the direction of Chesley Faucette, John Trol-

linger, George Patterson, D. A. Montgomery, or any two of them; at Chapel Hill, under the direction of James Smith, Benton Utley, Richard J Ashe, B. L. Durham, or any two of them; at Hadley's Mill, under the direction of Robert Alston, William Hadley, Samuel Perry, Hezekiah Henderson, or any two of them; at the Grove, under the direction of Turner Bynum, Carney Bynum, William Snipes, William Norwood, or any two of them; and at such other places, and under the direction of such other persons, as any two of the commissioners hereinbefore named to superintend the receiving of subscriptions at Pittsborough shall direct, for the purpose of receiving subscriptions, to an amount not exceeding two hundred thousand dollars, in shares of one hundred dollars each, for the purpose of effecting a communication by steam boats from the Cape Fear River, at Haywood, to some point at or near Mount Ararat, in Alamance county, and to provide every thing necessary and convenient for the purpose of transportation.

Advertisement—sealing shares, &c.

Sec. 2. Be *it further enacted*, That the time and places for receiving subscriptions shall be advertised in one or more newspapers published in Raleigh; and the books for receiving the same shall not be closed in less than ten days; and if it shall appear that more than two thousand shares of the capital stock aforesaid shall have been subscribed for within the said ten days, it shall be the duty of the said commissioners at Pittsborough, or any two of them, to reduce the number of shares subscribed for, among the subscribers, in fair and equal proportions, to the amount of stock subscribed for respectively by each, until the whole amount of shares shall be reduced to two thousand; but if the whole amount shall not be subscribed for within ten days from the time the books shall be opened to receive subscriptions, then the books may be closed or continued open, or closed and reopened, without further notice, as a majority of the above named commissioners at Pittsboro', may judge to be most expedient, until the whole number of shares shall be subscribed for.

Sec. 3. Be *it further enacted*, That when five hundred shares shall be subscribed for, in manner aforesaid, the subscribers, their executors, administrators or assigns shall be and they are hereby declared to be incorporated into a company, by the name and style of "The Haw River Navigation Company", and by that name shall be capable, in law, of purchasing, holding, selling, leasing and conveying, estates, real, personal and mixed, so far as shall be necessary for the purposes hereinafter mentioned, and no further; and shall have perpetual succession; and, by said corporate name, may sue and be sued; and may have and use a common seal, which they shall have power to alter or renew at their pleasure; and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purpose mentioned in this act; and may make all such by laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting the affairs of the company. When 500 shares shall be subscribed.

Sec. 4. *Be it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid, at the time of subscribing, to the said commissioners or their agents appointed to receive such subscriptions, the sum of two dollars on every share subscribed; and the residue thereof shall be paid in such instalments and at such times as may be required by the President and Directors of said Company. The said commissioners or their agents shall forthwith, after the first election of President and Directors of the company, pay over to the said President and Directors all moneys received by them, and on failure thereof, the said President and Directors may recover the amount due from them, or from any one or more of them, by motion, on ten days' previous notice, in the Court of Pleas and Quarter Sessions, or the Superior Court of Law, in any County wherein such commissioner or commissioners, their executors or administrators may reside, or by warrant before a Justice of said County. Stock, how paid.

Sec. 5. Be *it further enacted*, That where five hundred shares or more, of the stock shall have been subscribed, public notice of that event shall be given by two or more of the commissioners at Pittsborough, who shall have power, at the same time, to call a general meeting of the subscribers at such convenient place and time as they shall name in said notice. To constitute any such meeting, a number of persons entitled to a majority of all the votes that could be given upon all shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have power to adjourn from time to time until a meeting shall be formed.

Call of general meeting.

Sec. 6. Be *it further enacted*, That the subscribers, at their general meeting before directed, and the proprietors of stock, at every annual meeting thereafter, shall elect a President and five Directors, who shall continue in office unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the President or any of the Directors may, at any time, be removed, and the vacancy thereby occasioned be filled, by a majority of the votes given at any general meeting. The President, with any two or more of the Directors, or, in the event of the sickness, absence, or disability of the President, any three or more of the Directors, who shall appoint one of their own body President *pro tempore*, shall constitute a Board for the transaction of business. In case of vacancy in the office of President, or any Director, happening from death, resignation removal or disability, such vacancy may be supplied by appointment of the Board until the next annual meeting.

Directors.

Sec. 7. Be *it further enacted*, That the President and Directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction and repair, with as many locks and dams as they, or a majority of them, may deem necessary; and also to make and continue all works whatever, which may be necessary and expedient in order to the proper completion of the work.

Power to construct.

Sec. 8. Be *it further enacted*, That the said President and Directors shall have power to make contracts with any person or persons, on behalf of the company, for constructing said work, and performing all other work respecting the same, which they shall judge necessary and proper; and to require from the subscribers from time to time such advances of money on their respective shares as the wants of the company may demand, until the whole of their subscriptions shall be advanced; to call, on any emergency, a general meeting of the subscribers, giving one month's notice thereof in one of the newspapers printed in Raleigh; to appoint a Treasurer, Clerk and such other officers as they may require; and to transact all the business of the company during the intervals between the general meetings of the stockholders. Contracts. Advances.

Sec. 9. Be *it further enacted*, That if any stockholder shall fail to pay the sum required of him by the President and Directors, or a majority of them, within one month after the same shall have been advertised in one of the newspapers published in Raleigh, it shall and may be lawful for the President and Directors, or a majority of them, to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholders so failing or refusing, giving one month's previous notice of the time and place of sale in manner aforesaid; and after retaining the sum due, and all charges of the sale, out of the proceeds thereof, to pay the surplus over to the former owner or his legal representative; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the President and Directors may recover the balance of the original proprietor or his assignee, or of the executor or administrator, or either of them, by suit in any Court of record having jurisdiction thereof, or by warrant before a Justice of the County of which he is a resident; and any purchaser of the stock of the company, under the sale by the President and Directors, shall be subject to the same rules and regulations as the original proprietor. Delinquent subscribers.

Sec. 10. Be *it further enacted*, That the said President and Directors, their officers and servants, shall have full power and authority to enter upon all lands and tenements through which they may desire to conduct this work, and to lay out the same according to their pleasure, so that the mill house, yard or other buildings of no person be invaded without his consent; and they shall have power to enter upon and lay out such contiguous land as they may desire to occupy, as sites for depots, toll houses, ware houses, work shops, and other buildings for the necessary accommodation of their officers, agents, and servants, their horses, mules, and other cattle, and for the protection of property entrusted to their care: *Provided*, that the land so laid out shall not exceed one and a half acres in any one parcel. If the President and Directors cannot agree with the owner or owners of the land so entered on and laid out by them, as to the purchase, it shall be lawful for them to apply to the Court of Pleas and Quarter Sessions of the County in which such land, or the greater part thereof, may lie, and upon such application, the Court shall appoint five disinterested and impartial freeholders to assess the damages to the owners from the condemnation of the land for the purpose aforesaid. No such appointment, however, shall be made unless ten days previous notice of the application shall have been given to the owners of the land, or to the guardian, if the owner be an infant, or to the committee the owner being *non compos mentis*, if such owner, guardian or committee can be found within the county; or, if he cannot be so found, then such appointment shall not be made unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the Court House of the County, and shall have been posted at the door of the Court House on the first day at least of the next preceding Term of the said Court. A day for the meeting of the said freeholders to perform the duty assigned them, shall be designated in the order appointing them; and any one or more of

Land may be entered upon.

them attending on the day, may adjourn, from time to time, until their business shall be finished. Of the five freeholders so appointed, any three or more of them may act, after having been duly sworn, or solemnly affirmed, before some Justice of the Peace, that they will impartially and justly, to the best of their ability, ascertain the damages which will be sustained by the proprietor of the land from the condemnation thereof for the use of the company, and that they will truly certify their proceedings thereupon to the Court of the said County.

Sec. 11. *Be it further enacted*, That it shall be the duty of the said freeholders, in pursuance of the order appointing them, to assemble on the land proposed to be condemned, and after viewing the same, and hearing such proper evidence as the party may offer, they shall ascertain, according to their best judgment, the damages which the proprietor of the land will sustain by the condemnation thereof for the use of the company. In performing this, they shall consider the proprietor of the land as being the owner of the whole fee simple interest therein; they shall take into consideration the quality and quantity of the land to be condemned, the additional fencing that will be required thereby, and all other inconveniences which will result to the proprietor from the condemnation thereof. Freeholders to assemble on land.

Sec. 12. *Be it further enacted*, That when the said freeholders shall have agreed upon the amount of damages, they shall forthwith make a written report of their proceedings, under their hands and seals, in substance as follows: We,—freeholders, appointed by an order of the Court of Pleas and Quarter Sessions for the purpose of ascertaining the damages that will be sustained by ———, the proprietor of certain lands in the said County, which the President and Directors of the Haw River Navigation Company propose to condemn for their use, do hereby certify that we met together on the land aforesaid, on the ——— day of ———, the day appointed therefor by the said order, (or the day to which we were Freeholders to report.

regularly adjourned from the day appointed for our meeting by the said order;) and having been first duly sworn, and having visited the premises, we proceeded to estimate the quality and quantity of the land aforesaid, the quantity of additional fencing which would probably be occasioned by the condemnation, and all other inconveniences which seemed to us likely to result therefrom to the proprietor of the land: That under the influence of these considerations, we have estimated, and do hereby assess the damages aforesaid at the sum of ——. Given under our hands and seals, this—— day of——." At the foot of the report so made, the magistrate before whom the said freeholders were sworn, shall make a certificate in substance as follows: "———— County. I, ———, a Justice of the Peace of said County, do hereby certify that the above named freeholders, before they executed their duties as above certified, were duly sworn (or affirmed) before me that they would impartially and justly to the best of their ability, ascertain the damages which would be sustained by the above named —— by the condemnation of the above mentioned land for the use of the Haw River Navigation Company, and that they would certify truly their proceedings thereupon to the Court of said County. Given under my hand, this —— day of ———."

Report to be returned to court.

SEC. 13. *Be it further enacted*, That the report of the freeholders, so made, together with the certificate of the Justice of the Peace, as aforesaid, shall be forthwith returned by the freeholders to the Court of the County; and unless good cause can be shown against the report, it shall be confirmed by the Court and entered on record. But if the said report should be disaffirmed, or if the said freeholders, being unable to agree, should report their disagreement, or, if from any other cause, they should fail to make a report within a reasonable time after their appointment, the Court may, in its discretion, as often as may be necessary, supersede them, or any of them, appoint others in their stead, and direct another

view and report to be made in the same manner as above prescribed.

Confirmation of report, &c.

Sec. 14. *Be it further enacted*, That on the confirmation of any such report, and on payment or tender to the proprietors of the land of the damages so assessed, or the payment of the damages into Court, when, for good cause shown, the Court shall have so ordered it, the land reviewed and assessed as aforesaid shall be vested in the Haw River Navigation Company and they shall be adjudged to hold the same in fee simple in the same manner as if the proprietor had sold and conveyed it to them.

While proceedings are pending, &c.

Sec. 15. *Be it further enacted*, That while these proceedings are depending, for the purpose of ascertaining the damages to the proprietor for the condemnation of his land, and even before they shall have been instituted, the President and Directors, if the interest of the company require it, may, by themselves, their officers, agents and servants, enter upon the land laid out by them as aforesaid, and which they desire to condemn, and apply the same to the use of the company. If, when they so take possession, proceedings to ascertain the damages as aforesaid be pending, it shall be their duty diligently to prosecute them to a conclusion; and when the report of the freeholders, ascertaining the damages, shall be returned and confirmed, the Court shall render judgment in favor of the proprietors of the land for the amount thereof, and either compel its payment into Court, or award a process of execution therefor, as to them shall seem right.

Order or injunction.

Sec. 16. *Be it further enacted*, That in the mean time, no order shall be made, and no injunction shall be awarded by any Court or Judge to stay the proceedings of the company in the prosecution of their work, unless it be manifest that their officers, agents and servants are transcending the authority given them by this Act, and that the interposition of their Court is necessary to prevent injury that cannot be adequately compensated for in damages.

Sec. 17. *Be it further enacted*, That if the President and Directors shall take possession of any land before the

same shall have been purchased by them, or condemned and paid for according to the provisions of this Act, and shall fail for forty days to institute proceedings for its condemnation as aforesaid, or shall not prosecute with due diligence the proceedings commenced for that purpose, it shall be lawful for the proprietor of the land, upon giving to the said President and Directors, or any one of them, ten days previous notice, to apply to the Court of the County in which the land, or the greater part thereof shall lie, and upon such application, the Court shall appoint five disinterested and impartial freeholders to assess the damages, to the owner, from the condemnation of his lands for the use of the company; shall appoint a day for their meeting; to report the duties assigned them; and shall dismiss, at the costs of the company, any proceedings then depending in their behalf for the condemnation of said land. The freeholders so appointed, any three or more of whom may act, shall proceed in the performance of their duties, in all respects, in the same manner as if they had been appointed on the application of the President and Directors of the company. And the Court shall, in like manner, confirm or disaffirm their report, supersede them, or any of them, and appoint others in their stead, or direct another view and report to be made, as often as may be necessary. And when any such report ascertaining the damages shall be confirmed, the Court shall render judgment in favour of the proprietors for the damages so assessed, and double costs; and shall thereupon, either compel the company to pay into Court the damages and costs so adjudged, or award a process of execution thereof, as to them shall [seem] right.

Of failure 40 days to institute proceedings.

Sec. 18. *Be it further enacted*, That when the judgment rendered for the damages assessed and costs shall be satisfied by the payment of the money into Court, or otherwise, the title of the land for which such damages are assessed shall be vested in the company in the same manner as if the proprietor had sold and conveyed it to them.

Damages and cost, payment of.

Sec. 19. *Be it further enacted*, That the said Presi-

dent and Directors, for the purpose of constructing their work aforesaid, and the works necessarily connected therewith, or of repairing the same after they shall have been made, or of enlarging or otherwise altering the same, shall be at liberty, by themselves, their officers, agents or servants at any time, to enter upon any adjacent land, and to cut, quarry, dig, take and carry away therefrom any wood, stone, gravel or earth which they may deem necessary: *Provided, however,* that they shall not, without the consent of the owner, cut down any fruit trees, or any tree preserved in any lot or field for shade or for ornament, nor take any timber, gravel, stone, or earth constituting any part of any fence or building. For all wood, stone, gravel, or earth taken under authority of this Act, and for all incidental injuries done to the inclosure, crops, woods or ground in taking or carrying away, the said President and Directors shall make to the owners a fair and reasonable compensation, to be ascertained, if the parties cannot agree, by three impartial and disinterested freeholders, who being appointed for that purpose, by any Justice of the Peace thereto required by the owner, shall be sworn by him, and shall then ascertain the compensation upon their own view of the wood, stone, gravel or earth taken, and of the injury done as aforesaid in taking them: *Provided, however,* that it shall be the duty of the owner or owners to show to the Justice of the Peace to whom the application is made, that ten days previous notice of the time of making the same has been given to the President or one of the principal agents of the company; and no award, which may be given under any appointment without such notice, shall be obligatory or binding on said company: *Provided, however,* that either party not satisfied with the award which may be given as above, may appeal to the Court of Pleas and Quarter Sessions of the County in which the land may be situated, who may, as in the case of assessment of land, confirm or disaffirm the report of the freeholders, supersede them, or any of them, and appoint others in their stead, or direct another view and report to be made as often as may be necessary. Adjacent land.

Sec. 20. *Be it further enacted*, That if the said President and Directors, in entering upon the land of any person under the authority of this act, for the purpose of laying out or constructing, enlarging, altering or repairing any of their said works, shall, by themselves or their officers, do any wanton or wilful injury to such land or its appurtenances, or to the crops growing or gathered, or to any other property thereon, the Haw River Navigation Company shall pay to the persons so injured double the amount of the damages which shall be assessed by a jury in any proper action thereof; or if said injury be done by any person or persons who may have contracted with the company for the construction of any portion of this work, or any of the works connected therewith, he or they shall be responsible to the party injured in the like amount.

Injury to land or crops.

Sec. 21. *Be it further enacted*, That all acts and clauses of acts, which come within the perview and meaning of this act, or which give rights, privileges and franchises at variance with those given by this act, but which rights, privileges and franchises have not as yet been used and enjoyed, be, and they are hereby declared to be repealed and made void.

Repealing clause.

Sec. 22. Be *it further enacted*, That the said President and Directors, or a majority of them, shall have power to purchase, with the funds of the company, and place on the river which shall have been improved, boats of any discription whatever, which they may deem necessary or proper for the purpose of transportation, or, if they should deem it most expedient to do so, they may contract with any individual or individuals for effecting the transportation of the same: *Provided*, that no one shall be prohibited from putting boats on the said Haw River and navigating the same upon the payment to the company of the tolls hereby authorized to be charged.

Boats, purchase of, &c.

Sec. 23. Be *it further enacted*, That all boats and other property purchased, as aforesaid, with the funds of the company, or engaged in the business of transportation on said

river, and all the works of the said company constructed, or property acquired under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective stockholders of the company forever, in proportion of their respective shares; and the same shall be deemed personal estate, and shall be exempt from any public tax or charge whatsoever for the term of five years.

Property vested in stockholders and exempt from tax 5 years.

Sec. 24. *Be it further enacted*, That when this work shall have been completed, the company shall, at all times, furnish and keep in repair the necessary boats and other requisites for the safe and convenient transportation of persons and property; and it shall be their duty, at all times, upon the payment or tender of the tolls hereby allowed, to transport to any depot on the river which the owners of the goods may indicate, and there to deliver, all articles which shall be delivered to them for transportation, or offered to them in proper condition to be transported, at some depot on the river most convenient for the reception thereof.

To be prepared for, and to transport, at all times.

Sec. 25. *Be it further enacted*, That they shall give no undue preference in transportation to the property of one person over that of another, but, as far as practicable, shall carry each in the order of time in which it shall be delivered or offered for transportation, with tolls paid or tendered. If the company, or any of its agents, shall fail to receive, transport or deliver in due time any property so offered or delivered to them for transportation, or shall fail to take up or set down any passenger, at such convenient point as he or they may desire, upon the payment or tender of the passage money hereby allowed, they shall forfeit and pay to the party so injured double the amount of the lawful toll paid or tendered, and shall moreover be liable to an action on the case, in which full damages and costs shall be recovered.

No preference.

Sec. 26. *Be it further enacted*, That so soon as any portion of the river hereby authorized may be in readiness for transportation, it shall be lawful for the said President and Directors to transport, by their officers or agents, or by con-

Tolls.

tractors under them, persons and property on the same; and they shall have power to charge, for the transportation of persons, goods, produce, merchandise and other articles, and for the transportation of the mails, any sum not exceeding the following rates, that is to say, on persons not exceeding six cents per mile, for each person; for the transportation of goods, produce, merchandize and other articles, not exceeding on an average of ten cents per ton per mile; and for transportation of the mail, such sums as they may agree for. And the said President and Directors shall be furthermore entitled to demand and receive, for the weighing, storage, and delivering of produce and other commodities at their depots and warehouses, rates not exceeding the ordinary warehouse rates charged for such services.

Storage.

Sec. 27. *Be it further enacted*, That as soon as the river shall be made navigable for steam boats of shallow draught, as far up the river as Bynum's Bridge, the President and Directors shall annually or semi-annually declare and make such dividends as they may deem proper of the net profits arising from the resources of the said company, after deducting the necessary current and probable contingent expenses of the said company; and shall divide the same among the proprietors of the stock of the said company in proportion to their respective shares.

Dividends.

Sec. 28. *Be it further enacted*, That an annual meeting of the subscribers to the stock of the said company shall be held at such time and place, in each year, as the stockholders, at their first general or at any subsequent meeting, may appoint; to constitute which, or any general meeting called by the President and Directors according to the provisions of this act, the presence of proprietors entitled to a majority of all the votes which could be given by all the stockholders, shall be necessary, either in person or by proxy properly authorized; and if a sufficient number do not attend on that day, or any day appointed for a general meeting called by the President and Directors as aforesaid, the proprietors who

Annual meetings.

do attend, may adjourn from time to time until a general meeting shall be had.

Votes.

Sec. 29. *Be it further enacted*, That in counting all votes of the said company, each stockholder shall be allowed one vote, for every share not exceeding four shares; one vote for every two shares above four shares and not exceeding ten shares; one vote for every four shares above ten shares by him held at the time in the stock of the company: *Provided, however*, that no stockholder whether an individual, body politic or corporate, shall be entitled to more than one hundred votes on any amount of the capital stock of said company held by him or them.

Accounts to be rendered.

Sec. 30. *Be it further enacted*, That the President and Directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the Stockholders.

Limitations of time.

Sec. 31. *Be it further enacted*, That the works hereby required of the company shall be executed with diligence, and if they be not commenced within three years after the passage of this act, and finished within ten years after the first general meeting of the stockholders, then this charter shall be forfeited.

Certificates and transfer of stock.

Sec. 32. *Be it further enacted*, That the President and Directors shall cause to be written or printed certificates for the shares of the stock in said company, and shall deliver one such certificate, signed by the President, and countersigned by the Treasurer, to each person for the number of shares subscribed by him, which certificates shall be transferable by him, subject, however, to all payments due or to become due thereon; and such assignee, having first caused the transfer or assignment to be entered in a book of the company to be kept for that purpose, shall henceforth become a member of the said company, and shall be liable to pay all such sums due, or which shall become due upon the stock assigned to him: *Provided, however*, that such assignment shall in no wise exempt the assignor or his representative,

from the liability to the said company for the payment of all such sums, if the assignee or his representative shall be unable or fail to pay the same.

Sec. 33. *Be it further enacted*, That if any person or persons shall wilfully by any means whatever injure, impair or destroy any part of the work constructed under this act, or any of the necessary works belonging to the said company, or shall place any obstruction in said river, such person or persons shall be deemed guilty of a misdemeanor, and, on conviction thereof, in the court of pleas and quarter sessions, or superior court of law, of the county where the offence may be committed, shall be fined and imprisoned at the discretion of the court.

Penalty for injury.

Sec. 34. *Be it further enacted*, That if at any time hereafter the above rates of toll and transportation shall enable the said President and Directors, after the payment of all necessary expenses, and after setting apart a fair and reasonable sum for the renewal and repair of said work, ware houses, depots, boats and other works, to divide more than twenty five per cent on their capital stock invested, that the said rates of toll and transportation shall be so reduced by the said President and Directors, as to enable them to divide twenty five per cent and no more.

Limitation of profit.

Sec. 35. *Be it further enacted*, That no person shall be eligible as President or Director of said company, unless he be a resident citizen of this State.

Eligibility.

Sec. 36. *Be it further enacted*, That the corporate powers herein granted shall be and enure for fifty years, and no longer, unless renewed by competent authority.

[Ratified 28th January, 1851.]

CHAPTER CXII.

AN ACT to incorporate the Neuse River Navigation Company.

Preamble.

WHEREAS, by an act of the General Assembly, passed in 1848-9, incorporating the North-Carolina Railroad Company, an appropriation of the sum of forty thousand dollars was made by the State for the improvement of the river Neuse, and citizens of this State are desirous of increasing said amount by individual subscription, and it is just that the State, together with said individuals, their heirs and assigns, should receive reasonable toll in return for the moneys by them expended in said work:

Amount of capital.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of effecting a more certain navigation of the river Neuse, between the town of Newbern, in the county of Craven, and Watson's landing above Smithfield, in the county of Johnson, the formation of a corporate company, with a capital stock of one hundred thousand dollars, in shares of one hundred dollars each, is hereby authorized, to be called "The Neuse River Navigation Company;" and when formed, in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic in perpetuity.

Commissioners to open books of subscription.

SEC. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, it shall be lawful to open books, for subscriptions thereto, in the town of Newbern, under the direction of Alonzo T. Jerkins, Edward Stanly, William H. Washington, George S. Stevenson, and Charles Slover, or any two of them; at Kinston, under the direction of John C. Washington, John H. Peebles, Henry F. Bond, James W. Cox, or any two of them; at the town of Waynesborough, under the direction of Richard Washington, Daniel Cogdell, William K. Lane, or any two of

them; at the town of Smithfield, under the direction of W. S. Ballenger, A. F. Telfair, Thomas Lockhart, Ashley Sanders, Wm. H. Watson, J. W. B. Watson, or any two of them: That said books shall be opened, and the said subscriptions made, under the general direction of the following named commissioners, viz: Alonzo T. Jerkins, E. R. Stanly, Moses W. Jarvis, Henry F. Bond, William Kornegay, Richard Washington, William S. Ballenger and Wm. H. Watson, whose duty shall be to direct the opening of books for the subscription of stock, at such times, and under the direction of such persons, as they, or a majority of them, may deem proper; and the said commissioners shall have power to appoint a chairman of their body, treasurer and all other officers, and sue for and receive all sums of money that ought, under this act, to be received by them.

Advertisement.

Sec. 3. *Be it further enacted*, That the times and places of receiving said subscriptions shall be advertised in one or more newspapers published in the towns of Newbern and Goldsborough; and the books, for receiving the same, shall not be closed in less than ten days.

When 100 shares are subscrib'd.

Sec. 4. *Be it further enacted*, That when one hundred shares of said capital stock shall be subscribed for, in the manner aforesaid, the subscribers, their executors, administrators and assigns shall be, and they are hereby declared to be a body corporate, of the name and style of "The Neuse River Navigation Company;" and by that name shall be capable, in law, of purchasing and holding, selling, leasing and conveying estates, real, personal and mixed, so far as shall be necessary for the purposes hereinafter mentioned, and no further; and shall have perpetual succession, and by said corporate name may sue and be sued, and may have and use a common seal; and shall have and enjoy and may exercise all the rights, powers and privileges of a body corporate, for the purposes of this act; and may make and adopt all rules, regulations and by-laws, for the government

of the affairs of said company, not inconsistent with the laws of this State or of the United States.

Sec. 5. *Be it further enacted*, That upon any subscriptions of stock aforesaid, there shall be paid, at the time of subscribing, the sum of two dollars on every share subscribed for, to said commissioners, or their agents; and the residue of said subscription shall be paid in such instalments, and at such times, as may be required by the President and Directors of said company. The said commissioners shall, forthwith, after the first election of President and Directors of said company, pay over to said President and Directors all monies received by them; and on failure thereof, the said President and Directors may recover the amount due by them, or from any one or more of them, by motion, on ten days' previous notice, in the court of pleas and quarter sessions, or the superior court of law, in any county where such commissioner or commissioners, their executors or administrators may reside, or by warrant before a justice of said county. Payment of stock.

Sec. 6. *Be it further enacted*, That when one hundred shares or more of the stock shall have been subscribed, public notice of that event shall be given by three or more of said commissioners, in newspapers published in the towns of Newbern and Goldsborough; and the said commissioners shall then call a general meeting of the subscribers, to be held at the town of Newbern, at such time as they may designate: That a majority of the number of shares subscribed for, represented either in person or by proxy, shall constitute said meeting; and the said meeting may adjourn from day to day, until said majority is present. General meeting.

Sec. 7. *Be it further enacted*, That the subscribers, at their general meeting before directed, and the proprietors of stock, at every annual meeting thereafter, shall elect six directors; and the said directors, from their number, shall elect a President, which said President and Directors shall continue in office until the next annual meeting after their Directors.

election and until their successors shall be elected. The President, with any two or more of the directors, or, in the event of the sickness, absence, or disability of the President, any three or more of the directors, who may appoint one of their own body President *pro tempore*, shall constitute a board for the transaction of business. In case of vacancy in the office of President or any director, happening from death, resignation, or otherwise, such vacancy may be supplied by appointment of the board until the next annual meeting.

Contracts.

Sec. 8. *Be it further enacted*, That the President and Directors of said company shall be, and they are hereby invested with all the rights and powers necessary to construct, build, continue and repair locks, dams, canals and sluices, and all other works of whatever kind or nature soever, which may be necessary and expedient to secure and improve the navigation of the said river Neuse; and for the proper completion of the work contemplated by this act: *Provided*, that said company shall not construct any dam entirely across said river, at any place between Watson's landing above Smithfield and the line dividing Wayne and Johnston counties, which said dam, when so constructed, would tend to innundate the adjacent lands; but at such place or places the said company shall be permitted, and are hereby required, to construct only wing dams, leaving a sufficient space open for the free passage of the water.

Proviso.

Appointment of officers and other powers.

Sec. 9. *Be it further enacted*, That said President and Directors shall have power, on behalf of the company, to contract with any person or persons for constructing said works and continuing and repairing the same, which they shall judge necessary and proper, and to require from the subscribers, from time to time, such advances of money, on their respective shares, as the wants of the company may demand, until said subscriptions are paid in full; and at any time to call a general meeting of the subscribers, when necessary, by giving one month's notice thereof, in one or more

newspapers printed in the town of Newbern; to appoint a treasurer (not of said board) but of the members of said corporation, clerk, and such other officers as they may require; and to transact the business of the company during the intervals of the meetings of the stockholders.

Delinquent subscribers.

Sec. 10. *Be it further enacted*, That if any stockholder shall fail to pay the instalment or instalments required of him by the President and Directors, within one month after the same shall have been advertised, as aforesaid, in section 9th, it shall and may be lawful for the President and Directors, or a majority of them, to sell, at public auction, on a previous notice of twenty days, for cash, all the stock subscribed for in said company, by such stockholder, and convey the same to the purchaser at said sale; and if said sale of stock do not produce enough to pay off the expenses of the sale and the entire amount due by such stockholder to said company, for such subscription of stock, then the President and Directors may recover the balance of the original proprietor or his assignee, or the executor or administrator of either of them, by suit, in any court of record having jurisdiction thereof, or by a warrant before a justice of the county of which he is a resident; and any purchaser of the stock of the company, under such sale by the President and Directors, shall be subject to the same rules and regulations as the original subscribers.

Power to enter upon lands, &c.

Sec. 11. *Be it further enacted*, That the said President and Directors, their officers, agents and servants, shall have full power and authority to enter upon all lands and tenements through or on which they may desire to conduct their works, and to lay out the same according to their pleasure, so that the mill-house, yard and other buildings of any person be not invaded without his consent, and they shall have power to enter on and lay out such contiguous land as they may desire to occupy as sites for depots, store-houses, ware-houses, toll-houses and other buildings, for the necessa-

ry accomodation of their officers, agents and servants, and for the protection of the property of the company: *provided*, that the land so laid out, for these latter purposes, shall not exceed two acres in any one parcel. If the President and Directors cannot agree with the owner or owners of the land so entered on and laid out by them, as to the terms of purchase, they may apply to the county court of the county in which such land or the greater part thereof may lie, and upon such application, the court shall appoint five impartial freeholders to assess the damages arising from the condemnation of the land for the purposes aforesaid: That ten days' notice of said application shall be given to the owner of the land; and its said owner being an infant or *non compos mentis*, then to his guardian, if such owner or guardian is to be found in the county; or, if he cannot be so found, notice of said application shall be published at least one month in a public newspaper before such appointment shall be made. The order appointing said freeholders, shall designate a day for their meeting; and they may adjourn from day to day, until their business is accomplished. Of the five freeholders, so appointed, any three or more of them may act, being first duly sworn or solemnly affirmed, before some justice of the peace, that they will impartially and justly ascertain and assess the damages which will be sustained by the proprietor of the land from the condemnation thereof, for the use of said company; and that they will truly certify their proceedings thereof, to the court of said county; that, with the report of said freeholders shall be returned and appended thereto, a certificate of the magistrate, before whom they were qualified, of such due qualification. When said report shall be returned, unless good cause be shewn at that time, the same shall be confirmed and spread upon the record; but if said report should be disaffirmed, or if the said freeholders, being unable to agree, should report their disagreement, or, from any other cause, they shall fail to report, within a reasonable time the court may supersede them and

appoint others in their stead. The said court of pleas and quarter sessions may, upon the confirmation of the report of said freeholders, award judgment and execution against said company, for the amount of damages so assessed; and when the said judgment shall be paid and discharged, the title for the land, for which such damages are assessed, (the report of said freeholders to contain a description of said land by metes and bounds) shall be vested in the company, in the same manner as if the proprietor had sold and conveyed it to them; and the said court shall then order the report of the freeholders to be registered in the county for which the court sits, and the same shall be read in evidence, as in cases of registered deeds for the conveyance of lands.

Sec. 12. *Be it further enacted*, That the said President and Directors, for the purpose of constructing their work aforesaid, and the works necessarily connected therewith, or of repairing the same or of enlarging or otherwise altering the same, shall be at liberty, by themselves, officers, or agents or servants, at any time to enter upon any adjacent land, or the land nearest where such materials may be found, to cut, quarry, dig, take and carry away therefrom, any wood, stone, gravel or earth which they may deem necessary: *provided, however*, that they shall not, without the consent of the owner, cut down any fruit trees, or any tree preserved in any lot or field, for shade or ornament, nor take any timber, gravel or stone constituting a part of any fence or building; and for all such woods, stone or gravel thus taken, the said President and Directors shall pay to the owner or owners thereof a reasonable compensation, to be by them agreed upon; and in case of their failure to agree upon the value of said articles, then the same shall be valued by three freeholders, appointed by a justice of the peace of the county where the stone &c. may be situated, upon the application of the owner thereof, after a previous notice of ten days to the other party; and in case either party shall be dissatisfied

Adjacent lands.

with their determination, an appeal to the county court shall be allowed and sent up by the said justice.

Survey. Sec. 13. *Be it further enacted*, That out of the forty thousand dollars appropriated by the act of Assembly of 1848-9, incorporating the North-Carolina Railroad Company, the Governor of the State is hereby authorized and directed first to cause an accurate survey to be made of said river Neuse, in contemplation of the improvements of the navigation thereof, and with the residue of said appropriation to subscribe to the capital stock of said company: *Provided*, that said company shall be organized under the provisions of this act within two years from the passage of this act.

State's directors. Sec. 14. *Be it further enacted*, That upon said subscription to the capital stock of said company being made on the part of the State, the State shall be entitled to the selection of two of the six directors of said company, which two directors shall be nominated and appointed by the Board of Internal Improvements.

Toll. Sec. 15. *Be it further enacted*, That it shall be lawful for the President and Directors of said company to demand and receive at the locks erected on said river Neuse, and at convenient toll stations, a reasonable toll from all persons passing through said locks or using said improvements, which toll, so to be collected, shall be so regulated that the net profits shall not exceed twenty per cent. in any one year on the amount of capital actually expended by said company, in making said improvements: *Provided*, that the rates of toll shall be uniform, and no discriminations made between the citizens of this State.

Report of President. Sec. 16. *Be it further enacted*, That the President of said company shall annually report to the stockholders and to the Governor of the State, a full account of the receipts and expenditures of said company, and a general statement of its condition and affairs.

Sec. 17. *Be it further enacted*, That in all general meetings of the stockholders, each share of said capital stock

shall be entitled to one vote, which vote may be given by the proprietor of said share, either in person or by proxy; and that the Board of Internal Improvements may represent the stock of the State, either in person or by proxy: And a majority of the shares being represented, shall constitute such general meetings. Votes.

Sec. 18. *Be it further enacted*, That the subscription of stock on the part of the State, hereinbefore provided for, shall not be made, and the Public Treasurer is hereby authorized and directed to withhold any payment on said subscription, until the North-Carolina Railroad Company shall have commenced the construction of said road. State's subscription when to be paid.

Sec. 19. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 29th January, 1851.]

CHAPTER CXIII

AN ACT to provide for the opening and clearing out Upper Little River, in Cumberland County, and to prevent obstructions to the free navigation of the same.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the court of pleas and quarter sessions of the county of Cumberland, at the first term of said court which shall happen after the first day of January, 1851, seven justices being present at said court, may appoint, on application being made, overseers, and allot to them, respectively, the proper hands to clear out and render navigable Upper Little river in Cumberland county, from its mouth to the Moore

Court may appoint overseer and hands to clear river.

county line; and the justices of said court shall designate the portion of said stream which each overseer is to take charge of and work upon; and the overseers so appointed shall clear out logs and other obstructions from the channels of said stream, or the portion allotted to him, so as to render the same navigable for the free passage of rafts, logs and timber.

Power of ov'rseers.

Sec. 2. *Be it further enacted*, That the overseers appointed under the provisions of this act shall have the same power to compel the attendance of the hands assigned them, which overseers of roads now have by law; and the hands assigned them shall be liable to all the penalties to which persons appointed by the county courts to work upon the public roads are liable.

Obstructions.

Sec. 3. *Be it further enacted*, That it shall not be lawful for any person or persons, by felling trees, or by any other means whatsoever, to obstruct the free navigation of said river for boats, rafts, timber, logs, lumber or any other product; and any person or persons so obstructing said navigation, shall be liable to indictment in any court having jurisdiction of said offence.

Mill dams.

Sec. 4. *Be it further enacted*, That every person who may have heretofore erected, or who shall hereafter erect any mill dam across said stream, shall cause to be constructed and kept open, and in good repair, a good and sufficient slope for the free passage of all rafts of lumber, turpentine, and other products.

Sec. 5. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CXIV.

AN ACT to improve the navigation of Raft Swamp Creek, in the county of Robeson.

Section 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Benjamin Caldwell, Simon Caldwell and Henry H. Ellis, be, and they are hereby appointed commissioners to examine Raft Swamp Creek, (in the county of Robeson,) from its junction with Lumber River to Humphrey's Bridge, and to lay off, mark out and direct such improvements in the same, as they may deem necessary and proper for the navigation of said creek; and the said commissioners shall make a report, in writing, to the next court of pleas and quarter sessions in said county of Robeson, specifying the alterations and improvements in said creek which they shall have determined on, as aforesaid; and the said court, upon receiving said report, shall, if they deem it advisable, appoint overseers and allot hands to work under them, to make the improvements as directed by the said commissioners; and the said creek shall thereafter be kept open and free from obstructions, under the same rules and regulations as other creeks and rivers are in the said county.

Commissioners.

Duty of court.

[Ratified 28th January, 1851.]

CHAPTER CXV.

AN ACT to incorporate the Yadkin Navigation Company.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of effecting a communication by Steamboat

Amount of capital.

navigation upon the Yadkin River, from that point where the North Carolina Rail Road shall pass over the said River to the town of Wilkesboro' in the county of Wilkes, the formation of a corporate Company, with a capital stock of Three Hundred Thousand Dollars, is hereby authorized, to be called "the Yadkin Navigation Company," and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic for fifty years.

Commissioners to open books.

Sec. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following persons be and the same are hereby appointed and constituted a board of commissioners, (to wit:) Hamilton C. Jones of the county of Rowan, Thales McDonald of the county of Davidson, Peter Hairston of the county of Davie, Tyre Glenn of the county of Surry, and James Gwyn of the county of Wilkes; whose duty it shall be to direct the opening of books for subscription of stock, at such times and places and under the direction of such persons as they or a majority of them may designate; and the said board of commissioners shall appoint a chairman of their body, Treasurer and all other necessary officers, and in the name of the Board, to sue for and recover all sums of money that ought, under this Act, to be received by them.

Persons hereafter authorised to open books—shares—amount to be paid, &c.

Sec. 3. *Be it further enacted*, That all persons who may hereafter be authorized to open books for the subscription of stock to said company, by the Board of Commissioners herein before appointed for that purpose, shall open books at any time after the ratification of this Act, ten days previous notice being given in some one or more of the public newspapers in this State; and that said books, when opened, shall be kept open for the space of ten days at least, and as long thereafter as the Board of Commissioners above named, shall direct; that all subscriptions of stock shall be in shares of one hundred dollars, the subscriber paying at the time of making such subscription, five dollars on each share thus subscribed, to the person or persons authorized to receive such subscription;

and in case of failure to pay said sum, all such subscriptions shall be void, but only at the option of the said Board of Commissioners or of the Company after it shall have been formed, who may, if they choose, treat the same as valid and sue for and recover the said sum; and upon closing the books, all such sums as shall have been thus received of subscribers on the first cash instalment, shall be paid over to the said Board of Commissioners by the persons receiving them; and for failure thereof such person or persons shall be personally liable to said Board of Commissioners before the organization of said company and to the company itself after its organization, to be recovered in the Superior Court of Law within this State, in the County where such delinquent resides, or if he resides in any other State, then in any of the Superior Courts of Law in either of the Counties of Rowan, Davidson, Davie, Surry or Wilkes: And the said Board of Commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock, at any time and from time to time, as a majority of them may think proper, to make a return of the stock by them respectively received, and to make payment of all sums of money made by the subscribers; That all persons receiving subscriptions of stock shall pass a receipt to the subscriber or subscribers for the payment of the first instalment, as heretofore required to be paid; and upon their settlement with the Board of Commissioners as aforesaid, it shall be the duty of the said Board in like manner to pass their receipt for all sums thus received, to the persons from whom received; and such receipts shall be taken and held to be good and sufficient vouchers to the persons holding them.

When company shall be regarded as formed.

Sec. 4. *Be it further enacted*, That it shall be the duty of said Board of Commissioners to direct and authorize the opening of books for the subscription of stock in the manner above described, until the sum of one hundred thousand dollars shall have been subscribed to the capital stock of said company; and as soon as such sum shall have been subscribed

and the first instalment of five dollars per share on said sum shall have been received by the said Board, said Company shall be regarded as formed: and the said Board of Commissioners or a majority of them, shall sign and seal a duplicate declaration to that effect, with the names of the subscribers appended, and cause one of the said duplicates to be deposited in the office of the Secretary of State, and thenceforth, from the closing of the books of subscription as aforesaid, the subscribers to the stocks shall form one body politic and corporate, in deed and in law, for the purposes aforesaid, by the name and style of the "Yadkin Navigation Company."

When corporate powers shall commence.

Sec. 5. *Be it further enacted*, That whenever the sum of one hundred thousand dollars shall have been thus subscribed, the subscribers, their executors, administrators and assigns, shall be, and they are hereby declared to be incorporated into a company by the name and style of the Yadkin Navigation Company," and by that name shall be capable in Law and Equity of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and of acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and intent of their charter and no further; and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, in any Court of Law or Equity in the State of North Carolina; and have and use a common seal, which they may alter and renew at their pleasure; and shall have and enjoy all other rights and immunities which other corporate bodies may and of right do exercise; and may make all such by-laws, rules and regulations, as are necessary for the government of the corporation, for effecting the object for which it is created, not inconsistent with the Constitution and laws of this State or of the United States.

Notice of process,

Sec. 6. *Be it further enacted*, That notice of process served upon any of the Directors of said Company, shall be taken

and deemed lawful notice of service of process upon the Company, so as to bring it before any court within this State.

Sec. 7. *Be it further enacted*, That as soon as the sum of one hundred thousand dollars shall have been subscribed as aforesaid, it shall be the duty of the said Board of Commissioners to appoint a time for the stockholders to meet at Mocksville in Davie county, which they shall cause to be previously published for the space of twenty days in one or more newspapers in this State; at which time and place the said stockholders, in person or by proxy, shall proceed to elect the Directors of said company, and to enact all such regulations and by laws as may be necessary for the government of the corporation and the transaction of its business. The persons elected Directors at this meeting shall serve such period, not exceeding one year, as the stockholders may direct; and at this meeting the stockholders shall fix on the day and place or places where the subsequent election of Directors shall be held; and such elections shall henceforth be annually made, but if the day for the annual election should pass without any election of Directors, the corporation shall not be thereby dissolved, but it shall be lawful on any other day to hold and make such election in such manner as may be prescribed by a by-law of the corporation. When stockholders shall meet, and elect directors, &c.

Sec. 8. *Be it further enacted*, That at such first general meeting of stockholders, a majority of all the shares subscribed shall be represented before proceeding to business; and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from time to time until a regular meeting shall be thus formed; and at such meeting, the stockholders may provide by a by-law as to the number of stockholders and the amount of stock to be held by them which shall constitute a quorum at all subsequent meetings of stockholders or directors. Quorum.

Sec. 9. *Be it further enacted*, That at all elections and upon all votes taken at any meeting of the stockholders, each share of the stock shall be entitled to one vote, and any stockholder in said company may vote by proxy, and proxies. Elections.

may be verified in such manner as the by-laws of the company may prescribe.

Directors, number of.

Sec. 10. *Be it further enacted*, That the affairs of the company shall be managed by twelve Directors, to be elected annually from among the stockholders, by ballot, and a majority of the stockholders represented; who shall have power to fill vacancies in their number.

President.

Sec. 11. *Be it further enacted*, That the President of the company shall be elected by the Directors from among their number in the manner prescribed by the by-laws of the corporation.

Return of commissioners.

Sec. 12. *Be it further enacted*, That the said Board of commissioners shall make their return of the shares of stock subscribed for, at the first general meeting of the stockholders, and shall at the same time pay over all sums of money by them received to the company's Agent, and for failure so to do, shall be personally liable at the suit of said company.

Contracts.

Sec. 13. *Be it further enacted*, That all contracts and agreements authorized by the President and Secretary of the Board of Directors, shall be binding on the company without a seal, and such mode of authentication may be used as the regulations of the company may prescribe.

Pay of stock by instalments.

Sec. 14. *Be it further enacted*, That the said Board of Directors may call for the payment of the sums subscribed as stock in said company, in such instalments as the interest of the company may in their opinion require; the call for each payment shall be published in one or more newspapers in this State for the space of one month before the day of pament; and on failure of any stockholder to pay such instalment as thus required, the Directors may sell at public auction, on a previons notice of ten days, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if said sale of stock do not produce enough to pay off the incidental expenses of the sale, and the entire amount due by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held and taken as due at

once to the company, and may be recovered of such stockholder or his executors, administrators and assigns, at the suit of said company, either by summary motion in any Court of Superior jurisdiction in the county where the delinquent resides, on a previous notice of ten days to such subscriber, or by the action of assumpsit in any Court of competent jurisdiction, or by a warrant before a justice of the peace, where the sum claimed does not exceed one hundred dollars; and in all cases of the assignment of stock, before the whole amount has been paid to the company, then for all sums due on such stock, both the original subscribers, and the first and sub-sequent assignees shall be liable to the company, and the same may be recovered as above described.

Debt of stokholders.

Sec. 15. *Be it further enacted*, That the debt of the stockholders, due to the company for stock therein, either as original holder or first or subsequent assignee, shall be considered as of equal dignity with judgments in the application of the assets of a deceased stockholder, by his legal representatives.

Certificates of stock.

Sec. 16. *Be it further enacted*, That the said Company shall issue certificates of stock to its members, which shall be transferable in such manner as may be prescribed by the regulations of the corporation; and the said company shall have power to increase their capital at any time to an amount not exceeding three hundred thousand dollars, either by opening books for the subscription of stock or by selling such new stock.

Construction of works.

Sec. 17. *Be it further enacted*, That the said Company be and they are hereby authorized to open and construct works in and upon the Yadkin river, for the purpose of effecting navigation by Steamboat and otherwise upon said River from that point where the North Carolina Rail Road shall pass over the same to the town of Wilkesboro' in the county of Wilkes; and to this end shall have power to contract with any person or persons, for and on behalf of the company,

for constructing said work and building all such locks, dams, canals and other structures which they may deem necessary to carry out and effectuate the objects and intent of this Act of incorporation; And to appoint a Clerk, Treasurer and all such other officers as they may think necessary and proper, and to transact all the business of the company during the intervals between the general meetings of the stockholders.

Land entered upon.

Sec. 18. *Be it further enacted*, That the President and Directors, their officers and servants, shall have full power and authority to enter upon all lands and tenements through which they may desire to conduct their works, and to lay out the same according to their pleasure; so that the mill house, mill dam, yard and other buildings of any person be not invaded without his consent; and they shall have power to enter on and lay out such contiguous land, as they may desire to occupy, as sites for depots, store houses, ware houses, toll houses, and other buildings for the necessary accommodation of their officers, agents and servants, their horses, mules and cattle, and for the protection of the property of the company: *Provided*, that the land so laid out for these latter purposes shall not exceed two acres in any one parcel.

Condemnation of land.

Sec. 19. *Be it further enacted*, That if the President and Directors cannot agree with the owner or owners of the land so entered upon and laid out by them as to the terms of purchase, it shall be lawful for them to apply to the Court of Pleas and Quarter Sessions of the county in which a part of said land lies; and upon such application the Court shall appoint five discreet freeholders, to assess the damages to the owners from the condemnation of the land aforesaid: That no such appointment, however, shall be made unless it appear to the Court that ten days previous notice of the application shall have been given to the owner of the land, or to the guardian if the owner be an infant, or the Committee if the owner be a lunatic or *non compos mentis*, if such owner, guardian or Committee reside in the State; but if they

or any of them shall reside out of the State, then publication of an intention to make such application shall be made for the space of one month in some one or more newspapers within this State: A day for the meeting of said freeholders, to perform the duty assigned them, shall be designated in the order appointing them; and any one or more of them attending on that day may adjourn from to time until their business shall be finished; and of the five freeholders any three or more of them may act, after having been duly sworn or solemnly affirmed before some justice of the peace that they will impartially and justly ascertain the damages which will be sustained by the proprietors of the land from the condemnation thereof, and that they will truly certify their proceedings thereupon to the court of the said county making the appointment.

Report to be returned to court.

Sec. 20. *Be it further enacted*, That it shall be duty of the said freeholders, in pursuance of the order appointing them, to assemble on the land proposed to be condemned, and after surveying the same and hearing such proper evidence as the party may offer, they shall ascertain as nearly as may be the damages which the proprietors of the land will sustain by the condemnation thereof, all the attendant circumstances being considered; and when they shall have agreed upon the amount of damages, they shall make an accurate report thereof to the Court appointing them, which report shall also contain a description of the location and quantity of land so condemned, and appended thereto a certificate of the magistrate before whom they were qualified, of such due qualification.

Confirmation of report.

Sec. 21. *Be it further enacted*, When said report shall be returned, unless good cause be shewn at that time, the same shall be confirmed and spread upon the record: but if said report should be disaffirmed, or if the said freeholders being unable to agree, should report their disagreement, or for any other cause they should fail to report within a reasonable time after their appointment, the court may supersede them and appoint others in their stead.

Judgment of court.

Sec. 22. *Be it further enacted*, The said Court of Pleas and Quarter Sessions may upon the confirmation of the report of said freeholders, award judgment and execution against said company for the amount of damages so assessed; and when the said judgment shall be paid and discharged, the title of the land for which such damages are assessed, shall be vested in the company in the same manner as if the proprietor had sold and conveyed it to them; and the said Court shall then order the report of the freeholders to be registered in the county for which the Court sits, and the same shall be read in evidence as in cases of registered deeds for the conveyance of land.

Adjacent land.

Sec. 23. *Be it further enacted*, That the said President and Directors for the purpose of constructing their work aforesaid and the works necessarily connected therewith, or of repairing the same, after they shall have been made, or of enlarging or otherwise altering the same, shall be at liberty, by themselves, their officers, agents or servants, at any time, to enter upon any adjacent land and to cut, quarry, dig, take and carry away therefrom, any wood, stone, gravel or earth which they may deem necessary: *Provided*, however, that they shall not, without the consent of the owner, cut down any fruit trees, or any tree preserved in any lot or field for shade or for ornament, nor take any timber, gravel or stone constituting any part of any fence or building; and for all such wood, stone and gravel thus taken the said President and Directors shall pay to the owner or owners thereof a reasonable compensation to be by them agreed upon; and in case of their failure to agree upon the value of said articles, then the same shall be valued by three freeholders appointed by any justice of the peace of the county where the stone &c. may be situated, upon the application of the owner thereof, after a previous notice of ten days to the other party; and in case either party shall be dissatisfied with their determination, an appeal to the County Court shall be allowed and sent up by the said justice.

Sec. 24. *Be it further enacted*, That all acts and clauses of acts coming in conflict with the purview of this act, or which give rights, privileges, and franchises at variance with those given by this act, but which rights, privileges and franchises have not as yet been used and enjoyed, or have been abandoned, be and they are hereby repealed. Repealing clause.

Sec. 25. *Be it further enacted*, That said President and Directors, shall have power to purchase with the funds of the company, and place on the river after if shall have been improved, boats of any description, which they may deem suited to the transportation of persons and property, and they may if they think proper, contract with other persons for the transportation of persons and property upon said River, and said company or those with whom they contract to carry on such transportation, shall be deemed and taken as common carriers and as such shall be liable. Boats.

Sec. 26. *Be it further enacted*, That said company and all it works shall be exempt from taxation by the State or any county for the space of fifteen years, and after that time the State may impose a tax not to exceed twenty five cents per annum upon the share of stock in said company. Tax, exempt from.

Sec. 27. *Be it further enacted*, So soon as any portion of the said River shall be in readiness for transportation, it shall be lawful for the said President and Directors to transport by their officers or agents, or by consractors under them, persons and property on the same: and they shall have power to charge for the transportation of persons, goods, produce, merchandise and other articles of property, any sum not exceeding the following rates, (to wit:) on persons, not exceeding six cents per mile for each person; for the transportation of goods, produce, merchandise and other articles not exceeding an average of ten cents per ton per mile, and for the transportation of the mail, such sums as they may agree for; and they shall also be allowed to receive for storage and weighing, the usual rates in such cases, and they shall be allowed to divide the net profits of the company among the Tolls.

stockholders in proportion to the stock held by them respectively.

Stock transferable.

Sec. 28. *Be it further enacted*, That the stock in said company shall be transferable under such rules and regulations as their by-laws may prescribe, and all stock shall be evidenced by certificates to be issued by the said President and Directors.

Penalty for injury.

Sec. 29. *Be it further enacted*, If any person or persons shall wilfully injure, impair or destroy any of the works of said company or any part thereof, or shall place any obstruction in said River, such person or persons shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined or imprisoned at the discretion of the Court, and shall moreover be liable to, at the suit of said company, in damages.

Work, commencement and completion of.

Sec. 30. *Be it further enacted*, That the works hereby required of the company shall be executed with diligence; and if they be not commenced within four years after the passage of this act, and finished within ten years after the first general meeting of the stockholders, then this Charter shall be forfeited.

Sec. 31. *Be it further enacted*, That this act shall be in force from and after its ratification, and so continue for the space of fifty years.

[Ratified 28th January 1851.]

PILOTAGE.

CHAPTER CXVI.

AN ACT concerning Pilots.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That all vessels bound from sea to Cape Fear River, with the intention of taking a return cargo of coal which has been mined in North-Carolina, and actually takes a return cargo of coal, shall not be compelled to pay pilotage, either at the bar of the New Inlet, or at the main bar of the Cape Fear River, or between the mouth of Cape Fear and the town of Wilmington: *Provided*, that such vessel, when coming in sight of said New Inlet or Main Bar, shall hoist a flag at her fore-top-mast-head, or such other place as shall be designated by the commissioners of navigation, and shall keep the same flying until said vessel has arrived at her place of mooring or anchorage, which said flag shall be of the dimensions of three square feet, with a white ground and black ball in the centre, and not less than one foot in diameter; and all vessels laden with coal, shall be exempt, as aforesaid, from all pilot charges, upon their hoisting said flag under way and outward bound from said river: *provided*, they shall hoist said flag as soon as they unmoor or break ground, and shall keep the same flying till they pass the New Inlet or main bar: *Provided further*, that no vessel having on board any merchandize or freight, except coal, shall be entitled to the provisions and benefits of this act.

Vessels carrying coal mined in this State, exempt from pilotage.

Proviso.

Sec. 2. *Be it further enacted*, That all river craft upon said river of Cape Fear, engaged in the coal trade, shall be exempt from any and all charges of pilotage.

River craft exempt.

Penalty.

Sec. 3. *Be it further enacted*, That any vessel coming into said New Inlet or Main Bar upon said Cape Fear river, and hoisting said flag under false pretences, to avoid paying pilotage, shall pay double pilotage, to be recovered of the captain or owners of said vessel, in the same manner that pilotage is now collectable; and the pilotage so collected, shall be equally distributed among the pilots of said Main Bar or New Inlet.

Repealing clause.

Sec. 4. *Be it further enacted*, That all laws heretofore passed, giving power to the commissioners of navigation in New Hanover county to regulate pilotage, so far as the same shall interfere with the provisions of this act, and no further, be, and the same are hereby repealed.

Vessels to raise flag.

Sec. 5. *Be it further enacted*, That all vessels engaged in the carrying of coal on the coast of North-Carolina, shall raise the flag designated in this act, by which the pilots may know that their services are not required, on all occasions whenever the said vessels appear upon the coast of North-Carolina.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

ORDERS OF PUBLICATION.

CHAPTER CXVII.

AN ACT concerning Orders of Publication.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the*

same, That in all suits, both at law and in equity, in which orders of publication are now allowed to be made, either by the court itself, while in session, or by the clerk, or clerk and master in equity, during the vacation, it shall be lawful for the court or the clerk, or clerk and master, to cause publication to be made in any newspapers whatever in this State.

[Ratified 28th January, 1851.]

CHAPTER CXVIII.

AN ACT to amend the 51st section of the 102nd chapter of the Revised Statutes.

SECTION

1 Requires sheriffs to advertise lands sold for taxes in some newspaper printed in the county, or, if there be none published there, then in the nearest newspaper to such county.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter it shall be the duty of the several sheriffs in this State, to advertise the sales of lands for the taxes due thereon, at least ninety days in some newspaper published in their respective counties, where there is any paper published in such county; and in counties where there may not be a paper published, the sheriffs shall advertise such sales in the nearest newspaper to such county: *Provided, however*, that in the case of the sale of the lands for taxes of non-residents or of persons living beyond the limits of this State, that the same shall be advertised in some newspaper published in the city of Raleigh, in addition to the advertisement as hereinbefore provided for.

In what papers sheriffs shall advertise.

Sec. 2. *Be it further enacted*, That so much of the 51st

Repealing clause.

section of the chapter 102 of the Revised Statutes, as requires all sales of lands for taxes to be advertised in the State Gazette or some other newspaper published in Raleigh, be, and the same is hereby repealed.

[Ratified 24th January, 1851.]

CHAPTER CXIX.

AN ACT to amend the fifty-first section of an act, entitled "An Act to provide for the collection and management of the revenue of the State," Revised Statutes, chapter one hundred and two.

SECTION

1 Provides that advertisements for sale of lands for taxes, shall be published in a paper in the county where the land lies, &c.

Land for taxes, how sheriffs shall advertise.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the said section as directs the advertisement of land for sale for taxes in the State Gazette, or some other newspaper published in the city of Raleigh, be, and the same is hereby repealed, so far as regards the sale of lands for taxes owned by persons residing within this State; and, in such cases, it shall be the duty of the sheriffs or their deputies to advertise such lands in some newspaper published in the county wherein such lands are situated; and if there be no such paper, then in such newspaper as shall be published nearest thereto: *Provided*, it shall still be the duty of the sheriff to advertise the sale of the lands of non-residents, or of such persons as live beyond the limits of the State as heretofore prescribed by law.

Sec. 2. *Be it further enacted*, That all laws and clauses of laws, coming in conflict with the above provisions, be, and the same are hereby repealed.

[Ratified 28th January, 1851.]

RENTS.

CHAPTER CXX.

AN ACT to facilitate the collection of Rents.

WHEREAS, difficulties many times arise in the recovery of rents, where the demises are not by deed: For remedy whereof,

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to and for the landlord or landlords, where the agreement is not by deed, to recover a reasonable satisfaction for the lands, tenements or hereditaments, held or occupied by the defendant or defendants, in an action on the case, for the *use* and *occupation* of what was so held or enjoyed; and if, in evidence, on the trial of such action, any parol demise or any agreement (not being by deed) whereon a certain rent was reserved, shall appear, the plaintiff in such action shall not therefor be non-suited, but may make use thereof as an evidence of the quantum of damages to be recovered. *Provided, however*, that nothing in this act shall be construed to extend to parol leases of more than three years.

Where agreement is not by deed, how landlord may recover.

If tenant for life die, &c.

Sec. 2. And Whereas, where any lessor or landlord, having only an estate for life in the lands, tenements or hereditaments demised, happens to die before or on the day, on which any rent is reserved, or made payable, such rent, or any part thereof, is not by law recoverable by the executors or administrators of such lessor or landlord; nor is the person in reversion entitled thereto, any other than for the use and occupation of such lands, tenements or hereditaments, from the death of the tenant for life: For remedy whereof, *Be it enacted by the authority aforesaid*, That where any tenant for life shall happen to die before or on the day on which any rent was reserved or made payable, upon any demise or lease of any lands, tenements or hereditaments, which determined on the death of such tenant for life, that the executors or administrators of such tenant for life shall and may, in an action on the case, recover of and from such undertenant or undertenants of such lands, tenements or hereditaments, if such tenant for life die on the day on which the same was made payable, the whole, or if before such day, then a proportion of such rent according to the time such tenant for life lived, of the last year or other time in which the said rent was growing due as aforesaid, making all just allowances, or a proportionable part thereof respectively.

[Ratified 24th January, 1851.]

REVENUE.

CHAPTER CXXI.

AN ACT to provide for the increase of the Public Revenue, and for other purposes.

Tax on interest.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That hereafter there shall be levied annually the sum of three cents upon every dollar of interest secured or actually due from or by any solvent debtor or debtors, whether from individuals, companies, corporations, or in any other way; upon all sums of money at interest, whether in this State or out of it, at any time during the year next preceding the time the owner or owners thereof shall give in his, or her or their tax list: *Provided*, that guardians shall give in the money of each of their wards as a distinct and separate fund, and not as a fund held in common.

On capital in trading for slaves, and other species of trade, vessels, and trading companies.

Sec. 2. Be *it further enacted*, That hereafter there shall be levied annually the sum of twenty cents upon every hundred dollars employed in buying and selling slaves, and that there there shall be levied annually the sum of ten cents upon every hundred dollars vested in every other species of trade; and the sum of three cents upon every dollar of dividend or profit actually due or received upon sums of money vested in steam vessels (excepting the profits of such vessels as are under the burden of twenty tons,) or vested in stocks of any kind, or on shares of any incorporated or trading company, whether in this State or out of it, at any time during the year immediately preceding the time when the owner or owners thereof shall give in his, her or their tax list: *Provided*, that this act shall only authorize the taxing of such profits as the banks of this State shall make from trading in

Provisos.

stocks and bonds as distinguished from "bills receivable," *and provided further*, that every person shall have thirty dollars of interest, dividend or profit, and an amount equal to the sum of interest, which he, she or they owe, or pay, or secure to be paid on his, her or their own debt or debts, which shall not be subject to the tax imposed by this act; *and provided further*, that this act shall not extend to the interest or dividends accruing to any literary institution, or to funds appropriated for public or private charities, devoted to the purposes of education, or to the maintenance of the poor or afflicted.

On merchants & jewellers.

Sec. 3. Be *it further enacted*, That so much of the capital stock in trade of any merchant or jeweler, wholesale or commission merchant, as is now taxed by the 14th section of the 102 chapter of the Revised Statutes, shall be exempt from the provisions of this act: *Provided*, that the interest on all bonds, or notes, which any such merchant, jeweler, wholesale or commission merchant may own over and above the amount of the interest upon his own indebtedness and thirty dollars, shall not be considered as a part of his capital stock in trade, but shall be subject to the tax imposed by the first section of this act.

On Dentists, Physicians and Lawyers.

Sec. 4. Be *it further enacted*, That hereafter, there shall be imposed and levied annually the following taxes, to wit: On all Surgeon Dentists, all practicing Physicians, all practicing Lawyers and on all other persons, (except Ministers of the Gospel of every denomination, Governor of the State and Judges of the Supreme and Superior Courts) whose practice, salaries or fees, or all together, shall yield an annual income of five hundred dollars, the sum of three dollars for the first five hundred, and two dollars for every additional five hundred dollars.

Sec. 5. *Be it further enacted*, That there shall be imposed and levied annually an *ad valorem* tax of one per centum on all gold and silver plate, and ornamental jewelry,

in use by the owner or owners thereof, of the value of fifty dollars or upwards; on all sulkies, gigs, buggies, barouches, carriages, and all other pleasure vehicles whatsoever, in use by the owner or owners thereof, of the value of seventy-five dollars and under one hundred dollars, fifty cents; on all of the value of one hundred dollars, and under two hundred dollars, one dollar; on all of the value of two hundred dollars and under three hundred dollars, two dollars; on all of the value of three hundred dollars and under four hundred dollars, three dollars; and on all of the value of four hundred dollars and upwards, four dollars; on all gold watches, one dollar, and on all silver watches twenty-five cents, in use, (except such of each as are kept in shops and stores for sale;) on all harps in use by the owner or owners thereof, two dollars; on all piano fortes in use by the owner or owners thereof, one dollar; on all pistols (except such as shall be used exclusively for mustering, and also those kept in shops and stores for sale,) one dollar each; on all bowie knives, one dollar each; and dirks and sword canes, fifty cents each; (except such as shall be kept in shops and stores for sale:) *Provided, however*, that only such pistols, bowie knives, dirks, and sword canes, as are used, worn or carried about the person of the owner, shall be subject to the above named taxes; on all retailers of wines, cordials, or spirituous liquors, *ten dollars*; on all billiard tables, *one hundred dollars*; on all bowling allies, whether called "nine pin," or "ten pin" allies, or by any other name, *twenty five dollars;* on every pack of playing cards, *twenty five cents;* and every merchant, shop keeper and public dealer, in goods, wares, merchandise, or other thing, shall be liable for the same, and shall state on oath how many packs he or she has sold within the year preceding the time he or she shall give in his or her tax list; on all mortgages and deeds of trust, which shall be registered, the sum of one dollar; and the register in each and every county shall be liable for the same, and

On plate, jewelry, vehicles, &c.

he is hereby required to give in to the justice taking the list of taxable property, the number of mortgages and deeds of trust by him registered in the preceding year, under a penalty of one hundred dollars, to be collected by the sheriff, and to pay the amount of taxes thereon, after deducting six per centum for his commissions; and the said register shall not be required to register any mortgage or deed of trust, until the person or persons presenting the same, shall have paid the tax hereby imposed, in addition to the fees now by law established.

Toll bridges, ferries.

Sec. 6. *Be it further enacted*, That the owner or owners of every toll-bridge or ferry in this State, shall hereafter pay annually a tax equal to five times the sum of the largest toll by him or them demanded and received.

Insurance companies.

Sec. 7. *Be it further enacted*, That the agent or agents of all insurance companies, not incorporated in this State, shall hereafter pay an annual tax of fifty dollars in every county where such agency shall be established, to be collected and accounted for by the sheriffs of the several counties as other taxes; and in case the said agent or agents shall fail to pay the tax hereby imposed, he or they shall be individually liable for a tax of one hundred dollars, to be collected by the sheriff of the county where such failure takes place, by distress and sale of the property of the said agent or agents, to be applied three-fourths to the use of the State and one-fourth to the use of the sheriff collecting the same.

Circus riders and the like.

Sec. 8. Each and every company of circus riders or equestrian performers, and each and every person or company who shall exhibit any collection of animals, commonly known as a menagerie, for reward, shall, previously to exhibiting or performing in any county in this State, pay to the sheriff thereof fifty dollars; and all Ethiopian serenaders, comic singers, and performers on musical instruments, who exhibit or perform for reward, five dollars, as a tax to the State, to be accounted for by the sheriff as other State taxes: and on paying such tax, the sheriff who receives the same shall give

a license to exhibit or perform in his county, which license shall contain a list of such animals, or personal performers, or other articles to be exhibited, and in that case, such company or person shall be authorized and permitted to perform and exhibit, as aforesaid, in such county, and no other, for the space of one year thereafter; and each and every company of circus riders or equestrian performers, or Ethiopian serenaders, comic singers and performers on musical instruments, or exhibiter of any collection of animals, commonly known as a menagerie, who shall perform or exhibit in any county in this State, without previously having paid the tax herein directed, shall be liable to a forfeiture of one hundred dollars, to be collected by the sheriff, by distress and sale of the property of such delinquent, and to be applied one half to the use of the State and the other half to the use of the sheriff.

How returned and collected.

Sec. 9. *Be it further enacted*, That the taxes, by this act imposed, shall be returned on oath to the justices of the several counties in this State, appointed to take the list of taxables and taxable property; and shall be collected by the sheriffs of the several counties at the same time, and in the same manner in which they now collect other State taxes, and shall by them be paid into the treasury of the State at the same time and under the same penalties which are now prescribed by law, for the collection and payment of other State taxes.

Oath.

Sec. 10. Each and every person shall annually render to the justice of the peace appointed to take the list of taxables and taxable property, the amount of tax which he, either in his own right, or in the right of any other person or persons whomsoever, either as guardian, attorney, agent or trustee, or in any other manner whatsoever is liable for, under the revised[?] laws of this State; and it shall be the duty of the said justice to administer the following oath to each and every person giving a list of taxables and taxable prop-

erty: You, A. B., do solemnly swear, (or affirm, as the case may be,) that you, either in your own right or the right of any other person, or persons whomsoever, either as guardian, attorney, agent or trustee, or in any other manner whatsoever, are not liable for more taxes, under the laws of this State, than the amount which you have now listed, and that in all other respects, the list by you now delivered, contains a just and true account of all the property which by law you are bound to list for taxation, to the best of your knowledge and belief: so help you God.

Justice to read over taxables.

Sec. 11. *Be it further enacted*, That it shall be the duty of every justice of the peace who shall take a list of taxable property, before administering the oath aforesaid, to call over to each person giving in his taxables, all the articles and subjects of taxation which he may be bound to list.

Penalty for failing to list taxables.

Sec. 12. Each and every person liable to pay taxes by and under the provisions of this act, who shall fail to list their taxable property, or any part thereof, or refuse to take the oath herein prescribed, shall, in addition to the payment of a double tax, forfeit and pay into the public treasury the sum of one hundred dollars for each year's failure or refusal; and it shall be the duty of the several sheriffs aforesaid, to levy, collect and account for the same, as in case of double tax, unless the county court shall, within nine months thereafter, on satisfactory cause shown by such delinquent, order said forfeiture to be released and remitted.

Duty of Sheriffs, Attorney General and Solicitors.

Sec. 13. It shall be the duty of the several sheriffs to furnish the Attorney General and the Solicitors of their respective circuits, at the first superior court which shall happen after the tax lists are placed in their hands for collection, with a list of all the persons liable for taxes under this act, and who have failed to give in their taxable property or any part thereof; and, upon such information, or any other information, or upon good reason to believe that any person

has failed to list his taxable property, the Attorney General and Solicitors of the several circuits, shall have power and authority to file bills in the several courts of equity in this State, against each and every person failing to render a list of taxables and taxable property as by this act required, and compel a discovery upon oath, which discovery shall not be held and deemed evidence to convict such person for any penalty by this act annexed to such failure.

Forms, Treasurer to prepare.

Sec. 14. It shall be the duty of the Public Treasurer to have prepared and printed, on suitable paper, forms of tax-lists, with all the articles subject to taxation and to be listed under this act and all other laws now in force, mentioned *seriatim* over the heads of parallel columns, in which the amount or quantity of each article to be listed is to be set down; and shall furnish to each county court clerk in this State two copies of the same for each tax collection district in said county; and the cost of preparing and printing the same shall be paid out of the public treasury.

Duty of justices and clerks.

Sec. 15. It shall be the duty of the justice appointed to take the list of taxable property, to list the articles herein required to be listed in separate columns. And the clerks of the several county courts shall record, advertise and return the same to the Comptroller's office, in the same manner, and in case of failure, under the same penalties, forfeitures and liabilities as are now prescribed by law in relation to other taxes.

Certificate, register to furnish.

Sec. 16. It shall be the duty of the register in each and every county, on or before the first day of September in each and every year, to furnish the Comptroller with a certificate of the name of the clerk of the county court, and the sureties to his bond for the faithful discharge of his duties in office; which certificate, when certified by the Comptroller, shall, on motion of the Treasurer, for judgment against any such clerk, and his sureties, be deemed equally valid in law, with the bond of such clerk, and the court shall give judgment and award execution thereon accordingly.

Penalty.

Sec. 17. If any register shall fail to furnish the Comptroller with such certificate as directed in the last section, he shall forfeit and pay the sum of one thousand dollars, in each case, to be recovered by the Treasurer for the use of the State.

Court shall not tax.

Sec. 18. *Be it further enacted*, That all the persons and property herein taxed, shall not be liable to be taxed by the several county courts.

Repealing clause.

Sec. 19. *And be it further enacted*, That an act, entitled "An Act to increase the Revenue of the State" and ratified on the 29th day of January, 1849, and all other laws and clauses of laws coming within the meaning and purview of this act, be, and the same are hereby repealed: *provided*, that this repealing clause shall not affect the collection of any taxes now due under the revenue laws of this State.

[Ratified 28th January, 1851.]

REVISAL OF PUBLIC LAWS.

CHAPTER CXXII.

AN ACT for revising and digesting the Public Statute Laws of this State.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That three commissioners be appointed by the Governor, to collate, digest and revise, all the public statute laws of this State now in force, and including those which

may be enacted during the present session of the General Assembly; that in the performance of this duty, they shall carefully collect and reduce into one act, the different acts, and parts of acts, which from similarity of subjects ought, in their judgment, to be so arranged and consolidated; distributing them under such titles, divisions and sections, as they shall think proper, following and retaining the general arrangement and plan of revision as adopted by the commissioners for revising the statute laws of this State, under the act of the General Assembly, as passed at the session of 1833 and 1834, so as to have the whole included in one volume; and in every other respect, they shall complete the said revision in such manner as to them shall seem most useful and proper to render the said acts more plain and easy to be understood.

Commissioners, Governor to appoint.

Their duty.

Sec. 2. *Be it further enacted*, That the commissioners shall prepare for submission to the next Legislature, such contradictions, omissions, and imperfections as shall appear in the acts so revised, as also any acts which may have been omitted in the former revisal, with such amendments as they shall deem proper to be made; and shall also designate such acts, or parts of acts, if any, as in their judgment ought to be repealed, changed or modified; and may also suggest the passage of such new acts, or parts of acts, as shall seem to them necessary in order to improve and perfect the whole.

How commissioners shall prepare revisal, and submit it to next Legislature.

Sec. 3. *Be it further enacted*, That the commissioners shall prepare the said digest and revisal, so that the same may be submitted to the next Legislature, with such marginal notes and references to such sections of any statute as may have been the subject of judicial decision, fixing the construction of such statutes, with a full index, in order that the same may be in readiness for publication so soon as the Legislature shall order and direct.

Marginal notes and index.

Sec. 4. *Be it further enacted*, That the commissioners be authorised to contract, should they deem it advisable, for the publication of five thousand copies of said work, with

Copies—Commissioners may contract for publication.

such additional numbers as the Legislature shall direct, either securing the copy right of the work, or by disposing of the same to the contractors, as shall appear most to the interest of the State, subject, however, to the approval of the Legislature.

Time and pay allowed commissioners.

Sec. 5. *Be it further enacted*, That the said commissioners be allowed until the meeting of the next General Assembly to complete the duties assigned them in and by this act; and as a compensation for their services, shall receive one thousand dollars each, to be paid by the Public Treasurer, on the warrant of the Governor, at such times as to him shall seem right.

Clerk.

Sec. 6. *Be it further enacted*, That to enable the commissioners to complete their work, and to have the same transcribed for publication, in time for the meeting of the next Legislature, or so soon thereafter as the same may be ordered, it shall be lawful for them to employ a clerk to said commission, at a compensation not exceeding three hundred dollars, to be paid out of the public treasury, upon the warrant of the Governor.

[Ratified 28th January, 1851.]

ROADS.

CHAPTER CXXIII.

AN ACT to incorporate the Raleigh and Gaston Rail Road Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of*

the same, That Duncan Cameron, Richard Smith, William Boylan, George W. Mordecai, E. P. Guion, C. L. Hinton, W. W. Holden, W. J. Clark of Raleigh; John D. Hawkins, William F. Hilliard, John D. Hawkins, Jr., Isaac H. Davis and James J. Thomas, of Franklin county; Rhodes Herndon, R. B. Gilliam, R. Kingsbury, T. B Venable of Oxford; John H. Eaton of Henderson; G. D. Baskerville, H. L. Plummer, John Somerville, H. G. Goodloe, B. E. Cooke, Thomas Paschall, Samuel Phillips, Thomas E. Wilson, Wm. J. Hawkins, John D. Fain and Nat. T. Green, of Warren county; Cad. Jones, Sr., Edmund Strudwick, Jno. W. Norwood, Osmund Long, Josiah Turner, Sr., John U. Kirkland, of Orange county; and such other persons as may associate with them, their heirs and assigns, shall be, and they are hereby incorporated into a company, by the name and style of the Raleigh and Gaston Railroad Company, separate and distinct, and wholly unconnected with the company lately existing by the same name—and by that name shall be capable in law of purchasing, holding, selling and conveying estates, real, personal and mixed, so far as shall be necessary for the purposes hereinafter mentioned, and no further; and shall have perpetual succession, and by said corporate name may sue and be sued, may have and use a common seal; and shall have and enjoy and exercise all the rights, powers and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may, from time to time, make all such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State, as shall be necessary for the well ordering, and conducting the affairs of the company, upon the following fundamental terms and conditions, nevertheless, viz:

Commissioners to open books for subscriptions.

Corporate powers, &c.

Sec. 2. That the capital stock of the said company shall be eight hundred thousand dollars, the money part of which shall be used for the purpose of rebuilding the road, now the property of the State, and known as the Raleigh and Gaston Railroad, with a T iron rail, or iron of other form equally good, weighing not less than fifty pounds to the lineal yard, and other suitable materials, and to properly stock and equip the same with necessary engines and cars to do the transportation thereon; that the present Railroad, known as the Raleigh and Gaston Railroad, with all its machine shops, implements, ware houses, depots, water

Amount of capital and manner of rebuilding road.

stations, engines and cars, and every other description of property appertaining to the same, shall form a part of the capital stock of the said company, to the amount of four hundred thousand dollars, which amount shall be owned by the State of North Carolina in the said company; that solvent individuals shall subscribe for the remaining four hundred thousand dollars of the capital stock of the said company, and after having so subscribed and paid the sum of four hundred thousand dollars, towards the reconstruction of said road and in refitting the same for public use, then the said subscribers and their successors shall be entitled to receive and hold one half of the interest in the Raleigh and Gaston Rail Road Company, as is by this act incorporated.

Sec. 3. *Be it enacted*, That it shall be lawful for the persons mentioned in the first section of this act, or any three of them, to open books, under their own management, or the direction of such other persons as they may select, and at such times and places as they may think proper, for the purpose of receiving subscriptions to the capital stock of the said company, to the amount of four hundred thousand dollars, in shares of one hundred dollars each.—The times and places for receiving subscriptions shall be advertised in one or more newspapers in the State, and the books shall be kept open for ninety days At the expiration of that time, all the books of subscriptions shall be returned to the individuals first named at Raleigh; and if it shall appear that four hundred thousand dollars shall have been subscribed to the capital stock of said company, by solvent subscribers, then the books shall be closed; and if more than four hundred thousand dollars shall have been subscribed, the same shall be reduced to that sum in fair and equal proportions to the number of shares subscribed for by each stockholder. Preference shall be given to the stockholders and obligors of the late Raleigh and Gaston Railroad Company during the first ninety days in which books are to be kept open, to subscribe all or any part of the said capital stock of the said company; and if, upon the return of the said books, the said sum of four hundred thousand dollars shall not have been subscribed, then said books shall be re-opened for ninety days at such time and places, and under the direction of such commissioners as any three of the persons named in the first section of this act shall designate; and if the capital stock aforesaid

Time, &c. of opening books.

Preference, &c.

shall not have been subscribed at the expiration of the said ninety days, it shall be lawful to re-open said books, and keep them open until the first of October next.

Inducement to stockholders, &c., to subscribe.

Sec. 4. *Be it further enacted*, That as an inducement to the stockholders, and all such persons as may have become bound to indemnify the State against loss by reason of the loans made to the Raleigh and Gaston Railroad Company, and guarantied by the State, according to the provisions of the several acts of Assembly passed in the years 1838 and 1840, to subscribe for stock in the company hereby incorporated, that whenever the sum of four hundred thousand dollars shall have been thus subscribed and shall have been paid and expended by said company in putting the Raleigh and Gaston Railroad in full and complete order, then the said stockholders and obligors shall be forever discharged from their liability to the State, by reason of the loans and guaranties aforesaid; and the Governor is hereby authorized to cause the suits now pending in Wake Superior Court against said persons to be suspended until such time as he may be fully satisfied that the sum of four hundred thousand dollars has been subscribed and paid to said Company; whereupon the said suits are to be dismissed at the cost of defendants: *provided*, that the work be commenced within one year and completed within three years from and after the ratification of this act.

Executor or administrator may subscribe.

Sec. 5. *Be it further enacted*, That it shall be lawful for the executor or administrator of any deceased person, who became bound in their life time to indemnify the State of North Carolina against loss by reason of loans made to the Raleigh and Gaston Railroad Company, and guarantied by the State according to the provisions of the several acts of Assembly, passed in 1838 and 1840, to subscribe for any amount of stock in the company hereby incorporated, not exceeding the amount of said deceased person's liability to the State; and such subscriptions shall bind the estate of the testator or intestate, and the heirs, devisees, legatees or next of kin, as the case may be, shall not charge the personal representative aforesaid as for a *devastavit* or otherwise; and in case the said heirs, devisees, legatees, or next of kin, shall attempt so to do, then no part of the provisions of this act for releasing the sureties to the State as aforesaid, shall enure to the benefit, relief or discharge of the testator or intestate or his prop-

erty and estate, whose heir, devisee, legatee, or next of kin shall object to the subscription for stock by such executor or administrator; but the said testator or intestate and his property and estate shall remain liable as now they are or may be, in all respects, as if this act had not been passed.

Guardian may subscribe.

Sec. 6. *Be it further enacted*, That where the property and estate of any infant under twenty one years of age, shall be liable to the demands of the State on account of the loan and guaranty in the preceding sections mentioned, it shall be lawful for the guardian of such infant to subscribe in behalf of his ward, for stock in the company hereby incorporated, to an amount not exceeding the sum for which the property and estate of such ward is or would be liable to the State as aforesaid; and in case the said ward should attempt to make his guardian liable to account to him or her for any thing more than the stock so subscribed and paid by his guardian, then no part of the provisions of this act for releasing the sureties to the State as aforesaid, shall enure to the benefit, discharge or relief of the said infant's property and estate; but the same shall remain bound as it now is or may be, in all respects, as if this act had not passed.

Duty in war.

Sec. 7. Be *it further enacted*, That in case of a domestic invasion or insurrection, the said company shall transport the troops and munitions of war of the State of North-Carolina free of charge.

Road, &c., in whom vested.

Sec. 8. *Be it enacted*, That the said railroad, and all engines, cars, and vehicles, and all the works of said company, together with all profits which shall accrue from the same, shall be vested in the said company, one half thereof to the use and benefit of the State, and the other half to the use and benefit of the individual stockholders; and the same shall be deemed and held to be personal estate, and shall be exempt from any public charge or tax whatsoever for the term of fifteen years; and thereafter the Legislature may impose a tax not exceeding twenty-five cents per annum on each share of the capital stock held by individuals, whenever the annual profits shall exceed eight per cent.

Sec. 9. *Be it enacted*, That the said company shall give no undue preference to the property of one person over that of another, but as far as practicable, shall transport each in the order of time in which it shall be delivered or offered for transportation,

the tolls thereon being first paid or tendered.—And it shall be lawful for them to charge for the transportation of persons, goods, produce and merchandise, and for the mail, any sum not exceeding the following rates: On persons, not exceeding six cents per mile for each person, unless the distance which any person may be transported should be less than ten miles, in which case an extra charge of fifty cents may be made for taking up and putting down such person; for the transportation of produce, goods, wares, merchandize and other articles, not exceeding an average of eight cents per ton per mile; and for the transportation of the mail, such sum as may be agreed upon between the company and the Post Office Department of the United States. No preferences, &c. Tolls.

Sec. 10. *Be it enacted*, That in all general meetings of the said company, each stockholder shall be entitled to give one vote for each share not exceeding ten shares, and one vote for every three shares above ten shares; and it shall be lawful for the Board of Internal Improvement to appoint some suitable person to represent the interest of the State in all such meetings, who shall have a right to vote on all questions coming before them, except in the election of the directors to be appointed by the individual stockholders. Votes.

Sec. 11. *Be it further enacted*, That an annual meeting of the subscribers to the stock of the said company shall be held at such time and place, in each year, as the stockholders, at their first general, or at any subsequent meeting, may appoint; to constitute which, or any general meeting called by the President and Directors, according to the provisions of this act, the presence of proprietors entitled to a majority of all the votes which could be given by all the stockholders, shall be necessary, either in person or by proxy properly authorised; and if a sufficient number do not attend on that day, or any day appointed for a general meeting called by the directors aforesaid, the proprietors who do attend may adjourn from time to time until such general meeting shall be had. General meetings.

Sec. 12. BE IT FURTHER ENACTED, That the President and Directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the stockholders. Accounts to be rendered.

Sec. 13. BE IT FUTHER ENACTED, That the President and Directors shall cause to be printed certificates of the shares of the

Certificates of stock.

stock in the said company, and shall deliver one such certificate, signed by the President and countersigned by the Treasurer, to each person for the number of shares subscribed by him, which certificate shall be transferable by him, subject, however, to all payments due or to become due thereon; and such assignee, having first caused the transfer or assignment to be entered in a book of the Company, to be kept for the purpose, shall thenceforth become a member of the company aforesaid, and shall be liable to pay all sums due or to become due upon the stock assigned him; *Provided however*, that such assignment shall in no wise exempt the assignor or his representative from their liability to the said company for the payment of all such sums, if the assignee or his representative shall be unable or fail to pay the same.

Charter, violations of.

Sec. 14. *Be it further enacted*, That when the General Assembly may be of opinion that the Charter hereby granted shall have been violated, it may be lawful by joint resolution of the two Houses, to direct the Attorney General, with such assistant counsel as the Governor or Legislature may think proper to engage, to issue a writ of *scire facias*, returnable before the judges of the Supreme Court, calling upon the said corporation to show cause why their charter shall not be forfeited, subject to the same proceedings as are now prescribed by law in case of other corporations.—Their books shall at all times be open to the inspection of a committee of the General Assembly appointed for that purpose; and the President of said company shall biennially make a report to the Legislature, on or before the third week of their session, of their receipts and expenditures, and of such other of their proceedings as he shall deem proper.

Crossing roads.

Sec. 15. *Be it further enacted*, That any Railroad which may hereafter be constructed by the State, or by any company incorporated by the Legislature, shall be at liberty to cross the road hereby allowed to be constructed, upon a level or otherwise, as may be advantageous, provided the free passage of the Raleigh and Gaston Railroad is not thereby obstructed.

Depots at intersections.

Sec. 16. *Be it further enacted*, That whenever the Rail Road shall be so crossed or approached by any other Railroad incorporated by this State, the said Raleigh & Gaston Railroad Company may erect a depot at or near the point of intersection, where they may receive and deliver passengers and freight, and take

therefor the same rates of compensation, and be subject to the same regulations as at other depots—and should they fail or refuse to erect such depots, the State or Company owning such intersecting road, may ereet one, and the company hereby incorporated shall receive and deliver passengers and freight at such depots, under the same regulations as aforesaid, unless the same shall be rendered impracticable by the situation of the Railroad at that place.

Dividends.

Sec. 17. *Be it further enacted*, That the profits of the said Company shall be divided annually or semi-annually, at the pleasure of the said Company, one half thereof to the State of North Carolina, to be paid to the Public Treasurer of the State, and the other half among the individual Stockholders.

Iron may be sold.

Sec. 18. BE IT FURTHER ENACTED, That it shall be lawful for the said President and directors to sell the iron on the Raleigh and Gaston Rail Road, and apply the proceeds thereof to the reconstruction of said road.

Circumstances under which Governor may sell the road.

Sec. 19. BE IT FURTHER ENACTED, That if by the first day of October next a company shall not be organized according to the terms of the foregoing act, it shall be the duty of the Governor, and he is hereby required so to do, to cause all operations on said Raleigh and Gaston Rail Road to cease, and to discharge all the persons employed, exeept so many as in the opinion of the Governor may be necessary to take care of the public property, and to advertise said road and the appurtenances for sale in two papers in the town of Raleigh, one in Petersburg, Richmond, Philadelphia, New York and Boston. The said sale to be upon the following terms and conditions, viz: any company of individuals, who will contract with good and sufficient security to put said road in good order with a T iron rail, or iron of other form equally good, weighing not less than fifty pounds to the lineal yard, and to properly stock and equip the same with the neeessary engines and cars to do the transportation thereon, shall be incorporated as a body corporate, with all the rights and privileges thereunto belonging, under the style and designation of the Gaston and Raleigh Rail Road Company; and the Governor is herein authorized and required to sell said company hereby created the Raleigh and Gaston Railroad, with all the appurtenances, for the sum of five hundred thousand dollars, with interest from the day of sale, payable in ten annual in-

stalments of fifty thousand dollars each, together with the whole accruing interest; the first instalment of fifty thousand dollars with all the interest to be paid at the expiration of the first year from the day of sale, and the remainder at the end of each succeeding year, until the whole debt and interest are paid: The Governor is herein directed to take a mortgage on said road and appurtenances, for the security of said debt of five hundred thousand dollars; and in making his advertisement inviting proposals from purchasers, to give such description of the road as may give strangers desiring the investment, an accurate idea of the character of the work and the capacities of the country through which it runs.

Sec. 20. Be it enacted, That this Act shall be and continue in force for seventy five years, from and after its ratification.

[Ratified 29th January, 1851.]

CHAPTER CXXIV.

AN ACT to incorporate the Tennessee River Rail Road Company, in the county of Macon.

Points from and to which road to run.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of constructing a railroad from the point where the line of the State of Tennessee crosses the Tennessee river, to the point where the line of the State of Georgia crosses said river above the village of Franklin, in the county of Macon, in this State, the formation of a corporate company, with a capital stock of one million of dollars, is

Capital.

hereby authorized, to be called the Tennessee River Railroad Company, and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic in perpetuity.

Sec. 2. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following persons be, and the same are hereby appointed commissioners, viz: Jesse R. Siler, Henry G. Woodfin, Joab L. Moore, William Angel, Thos. J. Roan, William Morrison, Ebenezer Morrow, Dillard Love, Tompson Allman, Joseph Dobson, Jno. Howard, Zebulon J. Thomas, George Wikle, Charles Hayes, John Philips, David R. Lowry, T. P. Siler, John C. Bryson, Thomas Angel, J. J. Johnston, and James K. Gray, or any three of them, whose duty it shall be to open books, for the subscription of stock, at such times and places, and under the direction of such persons as they or a majority of them may deem proper. Commissioners.

Sec. 3. *Be it further enacted*, That whenever the sum of three thousand [?] dollars shall be subscribed in manner and form aforesaid, in shares of one hundred dollars each, the subscribers, their executors, administrators or assigns shall be, and they are hereby declared incorporated into a company by the name and style of the Tennessee River Railroad Company; and by that name shall be capable in law and equity, of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, and of acquiring the same by gift or devise, so far as shall be necessary for the purposes embraced within the scope, object and interest of their charter; and no further, and shall have perpetual succession, and by their corporate name may sue and be sued, plead and be impleaded, in any court of law and equity in the State of North Carolina; and may have and use a common seal, which they may alter and renew at pleasure, and shall have and enjoy all other rights and immunities which other corporate bodies may, and of right do exercise; and make all such bye-laws, rules and regulations as are necessary for the government of the corporation or effecting the object for which it was created, not inconsistent with the constitution and laws of the State. When $3000 are subscribed, &c.

Sec. 4. *Be it further enacted*, It shall be the duty of the

commissioners or a majority of them appointed under the second section of this act, as soon as the sum of three hundred thousand dollars shall have been subscribed in manner aforesaid, in shares of one hundred dollars each, to appoint a time for the stockholders to meet at Franklin, in the county of Macon, after having given at least thirty days public notice; at which time and place, a majority of the stockholders, being represented in person or by proxy, shall proceed to elect nine directors out of the number of stockholders, each of whom shall possess at least five shares of the stock, and the said stockholders shall then proceed to elect a President and Treasurer, out of the number of stockholders; and the said directors shall have power to perform all other duties necessary for the government of the corporation and the transaction of its business. The persons elected directors at the meeting aforesaid shall serve such period, not exceeding one year, as the stockholders may direct, and at that meeting the stockholders shall fix on the day and place or places, where the subsequent election of president, treasurer and directors shall be held; and such elections shall thenceforth be annually made, but if the day of the annual election should under any circumstances pass without the election of officers, the corporation shall not thereby be dissolved, but the officers formerly elected shall continue in office until a new election takes place.

Meeting of stockholders.

Sec. 5. Be *it further enacted*, The election of president, treasurer and directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of the company, and the persons having a majority of the stock polled, shall be considered duly elected. And at all elections and upon all votes taken in any meeting of the stockholders, upon any by-law or any of the affairs of the company, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and proxies may be verified in such manner as the by-laws of the company may prescribe.

Election of directors and officers.

Sec. 6. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it during the period for which they have been elected, and in the absence of the president, may appoint a president pro tempore to fill his place from among their own number. Vacancies.

Sec. 7. *Be it further enacted*, That the board of directors may call for the sums subscribed as stock in said company, in such instalments as the interest of said company may in their opinion require: the call for each payment shall be published in one or more newspapers for the space of one month before the day of payment; and on failure of any stockholder to pay each instalment as thus required, the directors may sell at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if said sale of stock do not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held as due at once to the company, and may be recovered of such stockholder, or his executors, administrators or assigns, at the suit of said company, either by summary motion in any Court of superior jurisdiction in the county where the delinquent resides, on previous notice of ten days to said subscriber, or by the action of assumpsit in any Court of competent jurisdiction, or by warrant before a justice of the peace where the sum does not exceed one hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for all such sums due on such stock, both the original subscribers and the first, and all subsequent assignees shall be liable to the company, and the same may be recovered as above described. Payments of stock.

Sec. 8. *Be it further enacted*, That the debt of the stockholders due to the company for stock therein, either as original proprietor or as first or subsequent assignee, shall be con- Assets.

sidered as of equal dignity with judgments in the distribution of assets of a deceased stockholder by his legal representatives.

Certificates of stock.

Sec. 9. *Be it further enacted*, That the said company shall issue certificates of stock to its members; and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Increase of capital.

Sec. 10. *Be it further enacted*, That said company may at any time increase its capital stock to a sum sufficient to complete said road, and not exceeding the additional sum of one million of dollars, making in the whole two millions, either by opening books for the subscription of new stock or borrowing money on the credit of the company and on the mortgage of its charter and works; and the manner in which the same shall be done in either case, shall be prescribed by the stockholders.

One or more tracks.

Sec. 11. *Be it further enacted*, That the company shall have power, and may proceed to construct, as speedily as possible, a Railroad with one or more tracks, from the Tennessee line on the Tennessee river, to the line of the State of Georgia, in the said county of Macon; said company shall have the privilege of using any section of the said road constructed by them, before the whole of said road shall be completed.

Contracts.

Sec. 12. *Be it further enacted*, That all contracts or agreements authenticated by the President and Secretary of the board to be appointed by the directors, shall be binding on the company, with or without a seal; such a mode of authentication shall be used as the company by their by-laws may adopt.

Land for depots.

Sec. 13. *Be it further enacted*, That said company may purchase, have and hold, in fee or for a term of years, any land, tenements or hereditaments which may be necessary for the said road, or for the erection of depositories, store houses, houses for the officers, servants or agents, of the company, or for work-shops or foundaries to be used by the company,

or for procuring stone or other materials necessary to the construction of the road, or effecting transportation, and for no other purpose whatever.

Sec. 14. Be *it further enacted*, That the company shall have the right, when necessary, to construct the said road across any public road, or along the side of any public road: *Provided*, that the said company shall not obstruct any public road, without first constructing one equally as good, and as convenient. May cross roads.

Sec. 15. *Be it further enacted*, That when any lands or right of way may be required by said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or from any other cause the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by the County Court of the said county of Macon, a majority of the justices being present. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the land or the right of way being surrendered, and the benefit and advantage he, she, or they may receive from the erection of the said road, and shall state particularly the value and amount of each; and the excess of loss and damage, over and above the advantage and benefit, shall form the measure of valuation of said land or right of way; *Provided, nevertheless*, that if any person or persons, over whose land the road may pass, or the company should be dissatisfied with the valuation of the said commissioners, then, and in that case, either party may have an appeal to the Superior Court. The proceedings of said commissioners, accompanied with a full description of the said land, or right of way, shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain a matter of record. And the lands or right of way so valued by the commissioners, shall vest in the said Land for way. Proviso.

company, so long as the same shall be used for the purposes of said Railroad, so soon as the valuation may be paid, or when refused, may have been tendered: *Provided*, that on application for the appointment of commissioners under this section, it shall be made to appear to the satisfaction of the court, that at least ten days previous notice has been given by the applicant to the owner or owners of land proposed to be condemned: *Provided further*, that the right of condemnation shall not authorize the said company to invade the dwelling house, yard or garden, of any individual, without his consent.

Land condemned.

Sec. 16. Be *it further enacted*, That the right of said company to condemn lands, in the manner described in the 12th section of this act, shall extend to the condemning only one hundred feet on each side of the main track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto, as may be necessary for the purpose of constructing said road; and the company, in like manner, shall also have power to condemn any appropriate lands, for the constructing and building of depots, shops, ware houses, buildings for servants, agents, and persons employed on the road, not exceeding two acres in one lot or station.

Land to vest in company.

Sec. 17. *Be it further enacted*, That all lands on which the road may be located not heretofore granted by the State, within one hundred feet of the centre of the road which may be constructed by said company, shall vest in the company, as soon as the line of the road is definitely laid out through it, and any grant of said land thereafter shall be void.

Conveyance, right of.

Sec. 18. *Be it further enacted*, That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandize and produce, over said road, at such charges as may be fixed on by a majority of the directors, which charges shall be so regulated that the profits shall not exceed twenty five per cent. on the capital of said company in any one year.

Sec. 19. *Be it further enacted*, That said company shall have the right, and it shall be their duty to take, at the store houses they may establish on, or annex to their Railroad or the branches thereof, all goods, wares, merchandize and produce, intended for transportation, prescribe the rules of priority and charge, and receive such just and reasonable compensation for storage, as they by rules may establish, which they shall cause to be published, or, as may be fixed by agreement. Storage.

Sec. 20. *Be it further enacted*, That if any person shall intrude upon the said Railroad by any manner of use thereof, or of the rights and privileges connected therewith, without their permission, and contrary to the will of the said company; he, she, or they may be indicted for misdemeanor, and, upon conviction, fined and imprisoned by any court of competent jurisdiction. Intruding on road.

Sec. 21. *Be it further enacted*, That if any person shall wilfully and maliciously destroy, or in any manner damage or obstruct, or shall wilfully or maliciously cause, or aid or assist, or counsel and advise any other person or persons, to destroy, or in any manner injure or obstruct the said railroad, or any bridge or vehicle used for or in the transportation thereon, any water tank, ware house, or any other property of said company, such person or persons so offending, shall be liable to be indicted therefor, and, on conviction, shall be imprisoned not more than six, nor less than one month, and pay a fine not exceeding five hundred dollars, at the discretion of the court before which said conviction shall take place, and shall be further liable to pay the expenses of repairing the same. Penalty for injuries.

Sec. 22. *Be it further enacted*, That the profits of the company, or so much thereof as the board of directors may deem advisable, shall, when the affairs of the company will permit, be semi-annually divided among the stockholders, in proportion to the stock each may own. Dividends.

Sec. 23. *Be it further enacted*, That notice of process

Notice of process.

upon the principal or agents of said company, or the president or any of the directors thereof, shall be deemed and taken to be due and lawful notice of service of process upon the company.

Sec. 24. *Be it further enacted*, That said company shall have power to construct branches to said road, or to connect with any other Railroad that may be constructed; and any contract that may be entered into with any other Railroad company, by the President and directors of said company, after the consent of a majority of the stockholders having been first obtained, shall be binding on said company.

Branches.

Sec. 25. *Be it further enacted*, That all the officers of the company, and servants and persons in the actual employment of the company, be, and they are hereby exempted from performing ordinary militia duty, working on public roads, and serving as jurors.

Exemptions.

Sec. 26. *Be it further enacted*, That it shall be the duty of said company, in case of war or insurrection, to transport the troops in the employment of the State, and their munitions of war, free of cost to the State.

Duties in war.

[Ratified 24th January, 1851.]

CHAPTER CXXV.

AN ACT to provide for a survey of a Railroad from Salisbury to the Tennessee line.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the sum of twelve thousand dollars be, and the same is hereby appropriated out of the first moneys col-

Appropriation.

lected, after the first day of January, 1852, from the Cherokee bonds, and from the sale of Cherokee lands, for the survey of a route for a railroad from Salisbury, in North Carolina, to the Tennessee line, at or near where the French Broad River passes into the State of Tennessee; and the Board of Internal Improvement be and they are hereby authorized to appoint some persons, competent Engineers, to survey the said route, at such compensation as may be agreed on between the said Board of Internal Improvement and said Engineers; and the said Engineers shall be required, in the contract made with them, to report to the said Board of Internal Improvement, after the said survey shall be completed, the result of said survey, accompanied by an estimate made by them of the probable cost of constructing a railroad upon the most eligible route surveyed by them. Enginr's.

[Ratified 28th January, 1851.]

CHAPTER CXXVI.

AN ACT to amend the charter of the Wilmington and Manchester Railroad Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the fifteenth section of an act, ratified the ninth day of January, one thousand, eight hundred and forty seven, entitled "An Act to charter the Wilmington and Manchester Railroad Company," be so amended as to authorize the President and Directors of the said company to issue bonds or notes, bearing seven per cent. interest (which interest shall be payable semi-annually) for the purpose of borrowing money to complete and stock their road. Issue of bonds authorized.

Where p'yable.

Sec. 2. *Be it further enacted*, That the said section of said act be further amended so as to authorize the President and Directors of the said company to sell or dispose of the bonds or notes of the said company, authorized under that section to be issued and made payable, either in this State or out of it, upon such terms as they may deem best for the interest of the company, and the sale of any such bonds or notes, for the purpose of borrowing money to complete and stock their road, shall be valid and binding on the said company.

[Ratified 28th January, 1851.]

CHAPTER CXXVII.

AN ACT to incorporate the Newbern and Central Railroad Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of effecting a railroad communication between the town of Newbern, in the county of Craven, and the North Carolina Railroad, at its junction with the Wilmington and Raleigh Railroad, in the county of Wayne, the formation of a corporate company, with a capital stock of five hundred thousand dollars, is hereby authorized, to be called the "Newbern and Central Railroad Company," and when formed in compliance with the conditions hereinafter prescribed, to have a corporate existence, as a body politic, in perpetuity.

Amount of capital, &c.

Points of road.

Sec. 2. *Be it further enacted*, That the said company be, and the same is hereby authorized to construct a railroad

from the town of Newbern, in the county of Craven, to the North-Carolina Railroad, at its junction with the Wilmington and Raleigh Railroad.

Commissioners.

Sec. 3. *Be it further enacted*, That for the purpose of creating the capital stock of said company, the following persons be, and they are hereby appointed commissioners, viz: John Blackwell, Charles Slover, John R. Justice, William H. Washington, Alonzo T. Jerkins, George S. Stevenson, Edward R. Stanly, Moses W. Jarvis, Frederic P. Latham, Israel Disosway, Mathias E. Manly, William G. Bryan, Hardy B. Lane, James C. Cole, John D. Whitford and James C. Stevenson, of Newbern; John C. Washington, H. W. Blount, Thomas Woodley, and Lewis C. Desmont, of Kinston; James Griswold, William S. G. Andrews, William B. Gulick, Thomas Kenneday and William B. Edmundson, of Goldsboro'; Richard Washington and Doctor Daniel Cogdell, of Waynesboro'; William H. Watson, William S. Ballinger, Thos. Lockhart and William H. Morning, of Smithfield; Romulus M. Saunders, George W. Mordecai, W. W. Holden, John H. Bryan, Edward Yarborough and Josiah O. Watson, of Raleigh; John Norwood, of Hillsborough; John M. Morehead, John A. Gilmer, David F. Caldwell and Cyrus Mendenhall, of Greensboro'; J. M. Leach and John W. Thomas, of Lexington; John W. Ellis, John B. Lord and A. H. Caldwell, of Salisbury; William Huggins, F. G. Simmons, Charles Geroch, and John Shakleford, of Trenton; Henry Best, B. S. Edwards, Edward Patrick and B. F. Williams, of Snow Hill; William A. Wright, Daniel B. Baker, P. K. Dickerson and A. G. DeRossette, Jr., of Wilmington; Doctor M. F. Arendell, Jennings Piggott, Dr. James Manney and Richard Hall, of Beaufort; whose duty it shall be to direct the opening of books, for subscription of stock, at such times and places, and under the direction of such persons, as they, or a majority of them, may deem proper; and the said commissioners shall have power to appoint a chair-

man of their body, treasurer and all other officers, and to sue for and recover all sums of money that ought under this act to be recovered by them.

Moneys paid to commissioners, &c.

Sec. 4. *Be it further enacted,* That all person who may hereafter be authorized to open books for subscription of stock, by the commissioners herein appointed for that purpose, shall open said books at any time after the ratification of this act, twenty days' previous notice being given in some one or more public newspapers in this State; and that said books, when opened, shall be kept opened for the space of thirty days at least, and as long thereafter as the commissioners first above mentioned shall direct; that all subscriptions of stock shall be in shares of one hundred dollars each, the subscribers paying, at the time of making such subscription, five dollars on each share thus subscribed, to the person or persons authorized to receive such subscription; and in case of failure to pay such sum, all such subscriptions shall be void and of no effect; and, upon closing the books, all such sums as shall have been thus received of subscribers on the first cash instalment, shall be paid over to the general commissioners named in the third section of this act, by the persons receiving them; and, for failure thereof, such person or persons shall be personally liable to the said general commissioners before the organization of said company, and to the company itself, after its organization, for the same, to be recovered in the Superior Court of law, within this State, in the county where such delinquent resides, or, if he reside in any other State, then in any court in such State having competent jurisdiction. The said general commissioners shall have power to call on and require all persons empowered to receive subscriptions of stock at any time, and from time to time, as a majority of them may think proper, to make a return of the subscription of stock by them respectively received, and to make payment of all sums of money paid in by the subscribers. That all persons receiving sub-

scriptions of stock shall pass receipts to the subscribers for the payment of the first instalment heretofore required to be paid; and upon their settlement with the general commissioners as aforesaid, it shall be the duty of the said general commissioners, in like manner, to pass their receipts for all sums thus received, to the persons from whom received; and such receipts shall be taken and held to be good and sufficient vouchers to the persons holding them.

When books may be closed and company formed.

Sec. 5. *Be it further enacted*, That it shall be the duty of the said general commissioners to direct and authorize the keeping of the books for the subscriptions of stock, in manner described, until the sum of one hundred and sixty seven thousand dollars shall have been subscribed to the capital stock of said company; and as soon as the sum of one hundred and sixty seven thousand dollars shall have been subscribed, and the first instalment of five dollars per share on said sum shall have been received by the general commissioners, the said company shall be regarded as formed; and the said commissioners, or a majority of them, shall sign and seal a duplicate declaration to that effect, with the names of the said subscribers appended, and cause one of the said duplicates to be deposited in the office of the Secretary of State; and thenceforth, from the closing of the books of subscription as aforesaid, the said subscribers to the stock shall form a body politic and corporate, in deed and in law, for the purposes aforesaid, by the name and style of "The Newbern and Central Railroad Company."

When $167,000 are subscribed.

Sec. 6. *Be it further enacted*, That whenever the sum of one hundred and sixty-seven thousand dollars shall be subscribed, in manner and form aforesaid, the subscribers, their executors, administrators and assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of "The Newbern and Central Railroad Company;" and by that name shall be capable, in law and in equity, of purchasing, holding, selling, leasing and conveying estates,

real, personal and mixed, and acquiring the same, by gift or devise, so far as shall be necessary for the purposes within the scope, object and intent of their charter, and no farther; and shall have perpetual succession, and, by their corporate name, may sue and be sued, plead and be impleaded, in any court of law or equity in the State of North-Carolina; and may have and use a common seal, which they may alter and renew at pleasure; and shall have and enjoy all other rights and immunities, which other corporate bodies may and of right do exercise; and make all such by-laws, rules and regulations as are necessary for the goverment of the corporation, or effecting the object for which it is created, not inconsistent with the Constitution and laws of the United States and of the State of North-Carolina.

Process, notice of.

Sec. 7. *Be it further enacted*, That notice of process upon the principal agent of said company, or the President or any of the Directors thereof, shall be and be taken to be due and lawful notice of service of process upon the company, so as to bring it before any court within the State of North-Carolina.

First meeting of stockholders.

Sec. 8. *Be it further enacted*, That as soon as the sum of one hundred and sixty seven thousand dollars shall have been subscribed, in manner as aforesaid, it shall be the duty of the general commissioners, appointed under the third section of this act, to appoint a time for the stockholders to meet at such place as they may select, which they shall cause to be previously published, for the space of thirty days, in one or more newspapers, as they may deem proper; at which time and place the said stockholders, in person or by proxy, shall proceed to elect the directors of the company and to enact such regulations and by-laws as may be necessary for the good government of the corporation and the transaction of its business. The persons elected directors at this meeting, shall serve for such period, not exceeding one year, as stockholders may direct, and at this meeting of the stockholders,

shall fix on the day and place or places when the subsequent election of directors shall be held; and such elections shall henceforth be annually made, but if the day of the annual election should pass without any election of directors, the corporation shall not be thereby dissolved, but it shall be lawful, on any other day, to hold and make such election, in such manner as may be prescribed by a by-law of the corporation.

Directors.

Sec. 9. *Be it further enacted*, That the affairs of the company shall be managed and directed by a general board, to consist of twelve directors, to be elected by the stockholders, from among their number, at the first and subsequent general annual meetings, as prescribed in section 8th of this act.

Elections.

Sec. 10. *Be it further enacted*, That the election of directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of said company, and the persons having a majority of all the votes polled, shall be considered as duly elected.

President.

Sec. 11. *Be it further enacted*, That the President of the company shall be elected by the directors, from among their number, in such manner as the regulations of the company shall prescribe.

Quorum.

Sec. 12. *Be it further enacted*, That at the first general meeting of the stockholders, directed to be called under the 8th section of this act, a majority of all the shares subscribed shall be represented before proceeding to business; and if a sufficient number do not appear on the day appointed, those who do attend shall have power to adjourn from time to time, until a regular meeting shall be thus formed; and, at such meeting, the stockholders may provide, by a by-law, as to the number of stockholders, and the amount of stock to be held by them, which shall constitute a quorum for the transacting of business at all subsequent regular or occasional meetings of the stockholders and Directors.

Votes. Sec. 13. Be *it further enacted*, That at all elections and upon all votes taken in any general meeting of the stockholders, upon any by-law or any of the affairs of said company, each share of stock shall be entitled to one vote; and that any such stockholder in said company may vote by proxy, and proxies may be verified in such a manner as the stockholders, by by-laws, may prescribe.

Sec. 14. Be *it further enacted*, That the general commissioners shall make their return of the shares of stock subscribed, at the first general meeting of the stockholders, and pay over to the directors, elected at said meeting, or their authorized agent, all sums of money received from subscribers, and for failure thereof, shall be personally liable to said company, to be recovered at suit of said company, in any of the superior courts of law in this State, within the county where such delinquent or delinquents may reside, and in like manner from said delinquents' executors or administrators in case of his or their death.

Return of commissioners.

Sec. 15. *Be it further enacted*, That the Board of Directors may fill all vacancies which may occur in it during the period for which they have been elected; and in the absence of the President, may fill his place, by electing a President *pro tempore* from among their number.

V'c'ncies.

Sec. 16. *Be it further enacted*, That all contracts or agreements, authenticated by the President and Secretary of the Board of Directors, shall be binding on the company, without a seal, or such a mode of authentication may be used as the company, by their by-laws, may adopt.

C'ntracts.

Sec. 17. *Be it further enacted*, That the company shall have power, and may proceed to construct, as speedily as possible, a railroad, with one or more tracks, to be used with steam power, which shall extend from the town of Newbern to the North-Carolina Railroad, at its junction with the Wilmington and Raleigh Railroad, in the county of Wayne; said company may use any part of the railroad constructed by them before the whole of said road shall be completed.

Road, when used.

Sec. 18. *Be it further enacted*, That the said company shall have the exclusive right of conveyance or transportation of persons, goods, merchandize, and produce over the said railroad, to be by them constructed, at such charges as may be fixed on by a majority of the directors. Transportation.

Sec. 19. *Be it further enacted*, That the said company may, when they see fit, farm out their right of transportation over said railroad, subject to the rules above mentioned. And said company and every person who may have received from them the right of transportation of goods, wares, produce and merchandise on said railroad, shall be deemed common carriers as to any article entrusted to them for transportation. Common carriers.

Sec. 20. *Be it further enacted*, That the Board of Directors may call for the payment of the sums subscribed as stock in said company, in such instalments as the interest of said company may, in their opinion, require; the call for each payment shall be published in one or more newspapers in this State for the space of one month before the day of payment; and on failure of any stockholder to pay each instalment, as thus required, the directors may sell, at public auction, on a previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if said sale of stock do not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder to the company, for such subscription of stock, then and in that case the whole of such balance shall be held and taken as due at once to the company, and may be recovered of such stockholder, or his executors, administrators or assigns, at the suit of said company, either by summary motion in any court of superior jurisdiction in the county where the delinquent resides, on a previous notice of ten days to said subscriber, or by the action of assumpsit in any court of competent jurisdiction, or by a warrant before a justice of the peace, when the same does not exceed one Instalments to be paid.

hundred dollars; and in all cases of assignment of stock before the whole amount has been paid to the company, then for all sums due on such stock, both the original subscribers and the first and all subsequent assignees shall be liable to the company, and the same may be recovered as above described.

Assets.

Sec. 21. *Be it further enacted*, That the debts of the stockholders, due to the company, for stock therein, either as original proprietor or as first or subsequent assignee, shall be considered as of equal dignity with judgments in the distribution of assets of a deceased stockholder or his legal representatives.

Certificates.

Sec. 22. *Be it further enacted*, That the said Company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Increase of capital.

Sec. 23. *Be it further enacted*, That the said Company may, at any time, increase its capital to a sum sufficient to complete said road, not exceeding six hundred thousand dollars, either by opening books for new stock or by selling such new stock, or by borrowing money on the credit of the company and on the mortgage of its charter and works: And the manner in which the same shall be done, in either case, shall be prescribed by the stockholders, at a general meeting.

Report of Directors, &c.

Sec. 24. *Be it further enacted*, The Board of Directors shall, once in every year, at least, make a full report of the state of the company and its affairs, to a general meeting of the stockholders, and oftener, if required by a by-law, and shall have power to call a general meeting of the stockholders when the board may deem it expedient; and the company may provide, in their by-laws, for occasional meetings being called, and prescribe the mode thereof.

Land, &c. for depots, &c.

Sec. 25. *Be it further enacted*, That the said company may purchase, have and hold in fee, or for a term of years, any land, tenements or hereditaments, which may be necessary for the said road or the appurtenances thereof, or for the e-

rection of depositories, store houses, houses for the officers, servants or agents of the company, or for workshops or foundries to be used for the said company, or for procuring stone or other materials necessary to the construction of the road, or for effecting transportation thereon, and for no other purpose whatever.

To cross roads or streams.

Sec. 26. *Be it further enacted*, That the company shall have the right, when necessary, to construct the said road across or along any public road or water course: *Provided*, That the said company shall not obstruct any public road without constructing another equally as good and as convenient, nor without making a draw in any bridge of said road, which may cross a navigable stream, sufficient for the passage of vessels navigating such stream, and to maintain and keep the same in good and constant repair.

Valuation of land.

Sec. 27. *Be it further enacted*, That when any lands or right of way may be required by said company, for the purpose of constructing their road, and for want of agreement as to the value thereof, or, from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any court of record having common law jurisdiction in the county where such part of the land or right of way is situated. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners, in consequence of the land or the right of way being surrendered and the benefits and advantages he, she or they may receive from the erection or establishment of the railroad or work, and shall state particularly the value and amount of each. And the excess of loss and damage over and above the advantages and benefit shall form the measure of valuation of the said land or right of way: *Provided, nevertheless*, That if any person or persons over whose land the road may pass, shall be dissatisfied with the valuation of said commissioners, then and in that case the person or persons so dis- Proviso.

satisfied may have an appeal to the superior court in the county w' er : the said valuation has been made, or in either county in which the land lies, when it may lie in more than one county, under the same rules, regulations and restrictions as in appeals from judgments of justices of the peace. The proceedings of the said commissioners, accompanied with a full description of the said land or right of way, shall be returned, under the hands and seals of the majority of the commissioners, to the court from which the commission issued, there to remain a matter of record : And the lands or right of way, so valued by the said commissioners, shall vest in the said company so long as the same shall be used for the purposes of the said railroad, so soon as the valuation may be paid, or when refused and may have been tendered : *Provided*, That an application for the appointment of commissioners under this section, shall be made to appear to the satisfaction of the court, that at least ten days' previous notice has been given by the applicant to the owner or owners of the land so proposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then to the guardian, if he can be found within the county; or if he cannot be so found, then such application shall not be made unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the court house of the county, and shall have been posted at the door of the court house on the first day of the term of said court to which application is made: *Provided further*, that the valuation provided for in this section shall be made, on oath, by the commissioners aforesaid, which oath any justice of the peace or clerk of the court of the county, in which the land or a part of it lies, is hereby authorized to administer: *Provided further*, That the right of condemnation herein granted shall not authorize the said company to invade the dwelling house, yard, garden or burial ground of any individual without his or her consent.

Sec. 28. *Be it further enacted*, That the right of said

company to condemn lands in the manner described in the 27th section of this act, shall extend to the condemning of one hundred feet on each side of the main track road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much, in addition thereto, as may be necessary for the purpose of constructing said road; and the company shall also have power to condemn any appropriate lands in like manner for the constructing and building of depots, shops, ware houses, buildings for servants, agents and persons employed on the road, not exceeding two acres in any one lot or station.

Land, how much may be condemned.

Sec. 29. *Be it further enacted*, That in the absence of any contract or contracts with the said company, in relation to lands through which the said road or its branches may pass, signed by the owner thereof, or by his agent or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the lands upon which the said road or any of its branches may be constructed, together with a space of one hundred feet on each side of the centre of said road, has been granted by the owner or owners thereof to the said company; and the said company shall have good right and title thereto, and shall have, hold and enjoy the same as long as the same be used for the purposes of said road, and no longer, unless the person or persons owning the said land at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of the said lands, as hereinbefore directed, within two years next after that part of said road which may be on the said land was finished; and in case the said owner or owners, or those claiming under him, her or them shall not apply within two years next after the said part was finished, he, she, or they shall be forever debarred from recovering said land, or having any assessment or compensation thereof: *Provided*, nothing herein contained shall affect the rights of *femes coverts* or infants, or persons *non*

Unless owners apply for assessment, within two years, land vests in company.

compos mentis, until two years after the removal of their disabilities.

Public land to vest in company.

Sec. 30. *Be it further enacted*, That all lands not heretofore granted to any person nor appropriated by law to the use of the State, within one hundred feet of the centre of said road, which may be constructed by the said company, shall vest in the company as soon as the line of the road is definitely laid out through it; and any grant of said land thereafter shall be void.

Penalty for intrusion.

Sec. 31. *Be it further enacted*, That if any person or persons shall intrude upon the said Railroad by any manner of use thereof, or of the rights or privileges connected therewith, without the permission or contrary to the will of said company, he, she or they may be indicted for a misdemeanor, and, upon conviction, fined and imprisoned, by any Court of competent jurisdiction.

Penalty for injuries.

Sec. 32. *Be it further enacted*, That if any person shall wilfully and maliciously or in any manner injure, damage or obstruct, or shall wilfully or maliciously aid or assist, counsel or advise any other person or persons to destroy, or in any manner to damage or destroy, injure or obstruct the said Railroad, or any bridge or vehicle used for or in the transportation, any water tank, warehouse or any other property of said company, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be imprisoned, not more than six, nor less than one month, and pay a fine not exceeding five hundred dollars, at the discretion of the Court before which said conviction shall take place, and shall be further liable to pay all expenses of repairing the same; and it shall not be competent for any person so offending against the provisions of this clause, to defend himself by pleading or giving in evidence that he was the owner, agent or servant of the owner of the land where such destruction, damage, injury or obstruction was done at the time the same was done, or caused to be done.

Sec. 33. *Be it further enacted*, That every obstruction to the safe and free passage of vehicles on the said road or

its branches, shall be deemed a public nuisance, and may be abated as such, by any officer, agent or servant of said company; and the person causing such obstruction may be indicted and punished for erecting a public nuisance. Nuisance.

Sec. 34. *Be it further enacted*, That the profits of the company, or so much thereof as the General Board may deem advisable, shall, when the affairs of the company will permit it, be semi annually divided among the stockholders in proportion to the stock each may own. Dividends.

Sec. 35. *Be it further enacted*, That the following officers and servants and persons in the actual employment of the said company, be, and they are hereby exempted from jury and ordinary militia duty: The President and Treasurer of the Board of Directors, and chief and assistant Engineers, the secretaries and accountants of the company, keepers of the depositories, guards stationed on the road to protect it from injury, and such other persons as may be working the locomotives, engines and traveling with cars for the purpose of attending to the transporting of goods, produce and passengers on said road. Exemptions.

Sec. 36. *Be it further enacted*, That all the work hereby required for the New Berne and Central Railroad Company shall be executed with due diligence; and if it be not commenced within three years after the ratification of this act, and finished within ten years after the period of its commencement, this charter shall be forfeited. Time limited.

[Ratified 28th January 1851.]

CHAPTER CXXVIII.

AN ACT to amend an act, entitled an act to amend an act, passed in eighteen hundred and thirty three, entitled "An Act to incorporate the Wilmington and Raleigh Railroad Company."

Sec. 1. *Be it enacted by the General Assembly of the State of North-*

Carolina, and it is hereby enacted by the authority of the same, That the capital stock of said company may be increased to any sum not exceeding two millions, five hundred thousand dollars, any thing in the before recited acts to the contrary notwithstanding.

Increase of capital.

Sec. 2. *Be it further enacted,* That the President and Directors of said company be, and they are hereby authorized to issue scrip, and to make sale of or dispose of the same commensurate with the said increase of the capital stock of said company: *Provided,* that the said scrip shall not be sold for less than the par value of the stock held in said company.

Scrip.

Sec. 3. *Be it further enacted,* That said scrip shall represent shares in the capital stock of said company, as though the said shares had been originally subscribed for by the holders thereof; and the said holders of the scrip thus issued, under the provisions of this act, shall be members of said corporation, with the same privileges, rights and immunities, and subject to the same rules and regulations as the original stockholders of said company.

Scrip to be as original subscription.

Sec. 4. *Be it further enacted,* That this act shall be in force from and after the ratification of the same.

[Ratified 24th January, 1851.]

CHAPTER CXXIX.

AN ACT authorizing the Seaboard and Roanoke Railroad Company to issue bonds.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That

it may and shall be lawful for the Seaboard and Roanoke Railroad Company to make and issue bonds to an amount not exceeding the sum of four hundred thousand dollars, to be signed by the President of said company, under the common seal of the same, in sums of one thousand dollars each, bearing interest at the rate of seven per cent. per annum, to be paid semi-annually, in the city of New York, and redeemable in the year 1860. Bonds

Sec. 2. *Be it further enacted*, That to secure the faithful payment of the said bonds, it may and shall be lawful for the President and Directors of the said Seaboard and Roanoke Railroad Company to make, execute and deliver to John J. Palmer, of the City of New York, or such other person as they may appoint, a deed of trust or mortgage, under the common seal of said company, wherein shall be conveyed to the said John J. Palmer, Trustee, or such other person as may be appointed Trustee, the Road, property, income and franchises of said company, acquired or to be acquired, conditioned for the payment of the interest and final redemption of said bonds. Deed.

Sec. 3. *Be it further enacted*, That the public treasurer of this State be and he is hereby authorized and directed to surrender and transfer to the Seaboard and Roanoke Railroad Company the mortgage now held by the State on the Weldon Toll-bridge, on condition that the said Seaboard and Roanoke Railroad Company shall, at the time of such surrender and transfer, issue to the Public Treasurer for and on behalf of the State, the bonds of said company, bearing interest at the rate of not less than six per cent. per annum, for the amount covered by said mortgage and interest thereon to the time of such surrender and transfer; said bonds to be payable in equal instalments, at the end of two and four years, and the interest to be paid semi-annually. Mortgage.

Sec. 3. *Be it further enacted*, That this act shall take ef-

fect and be in full force whenever a similar act shall be passed by the State of Virginia.

[Ratified 28th December, 1850.]

CHAPTER CXXX.

AN ACT to repeal a portion of an act, entitled "An Act authorizing the Seaboard and Roanoke Rail Road Company to issue bonds," passed at the present session of the General Assembly.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That so much of the above recited Act as requires the third section of the same to be ratified by the State of Virginia, be, and the same is hereby repealed.

[Ratified 17th January, 1851.]

CHAPTER CXXXI.

AN ACT concerning the Seaboard and Roanoke Rail Road Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it may and shall be lawful for the Seaboard and Roanoke Rail Road Company to change and alter the route of their

road from or near Margarettsville, in the County of Northampton, to Roanoke River, and to cross the said river at any point between the town of Halifax and the village of Weldon, or within half a mile above the said village, and in that way form a connection with the Wilmington and Raleigh Rail Road. Change of route.

Sec. 2. Be *it further enacted*, That if the said company shall, at any time, find it necessary to form a through ticket with any rail road or steam boat company or companies, it shall be lawful for the said Seaboard and Roanoke Railroad Company to charge in one direction not more than eight cents per mile: *Provided*, that the right hereby conferred shall not affect the local travel on the said Seaboard and Roanoke Railroad. Through tickets.

Sec. 3. Be *it further enacted*, That whenever the Seaboard and Roanoke and the Roanoke Rail Road Companies, or either of them, shall, in pursuance of the privilege granted by an act of the General Assembly, ratified the 15th day of January 1847, and an act ratified the 16th day of January 1849, construct a Railroad from Weldon to such point on the Raleigh and Gaston Railroad, the said Seaboard and Roanoke Railroad Company, shall have the privilege and they are hereby authorized and empowered to effect a junction with the said Raleigh and Gaston Railroad, from Weldon or some point adjacent thereto, to such point on the said Raleigh and Gaston Railroad, between Littleton and Gaston (both inclusive) as the President and Directors of said Seaboard and Roanoke Railroad may select: *Provided*, that in effecting said junction they shall not impede or obstruct the free passage of or transportation on, the said Raleigh and Gaston Railroad. Junction, &c.

Sec. 4. Be *it further enacted*, That the time for commencing and completing said Railroad from Weldon or some point adjacent, to some point on the Raleigh and Gaston Railroad, shall be further extended, for two years from and after the first day of January, 1851.

[Ratified 23th January, 1851.]

CHAPTER CXXXII.

AN ACT to incorporate the Roanoke Valley Railroad Company.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of constructing a Railroad from some point on the Virginia line, in the neighborhood of the town of Clarksville, Virginia, to the Raleigh and Gaston Railroad, to connect with the same in the vicinity of Ridgeway, in this State, the formation of a corporate company, with a capital stock of three hundred thousand dollars, is hereby authorized, to be called "The Roanoke Valley Railroad Company," and when formed, in compliance with the conditions hereinafter prescribed, to have a corporate existence as a body politic.

Amount of capital.

Sec. 2. Be *it further enacted,* That for the purpose of creating the capital stock of said company, the following persons be, and the same are hereby appointed commissioners, viz: George D. Baskerville, Andrew Joyner, James M. Bullock, John S. Eaton, William Eaton, Jr., F. A. Thornton, William Hargrave, John G. Yancy, Weldon N. Edwards, William Townes, Robert B. Gilliam, Robt. W. Lassiter, David Shelton, Edwin A. Williams, Tucker Carrington, G. C. Scott, Robert H. Moss, Edmund Townes, John Wimbish, Silas H. Harris and Henry Wood, or any three of them, whose duty it shall be to open books for the subscription of stock at such times and places, and under the direction of such persons, as they, or a majority of them, may deem proper, to an amount not exceeding three hundred thousand dollars, in shares of one hundred dollars each.

Commissioners.

Sec. 3. Be *it further enacted,* That when five hundred shares shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a company by the name and style of "the Roanoke Valley Railroad Company," and by that name shall be capable in law of purchasing, holding, selling, leasing and conveying estate, real, personal

and mixed, so far as shall be necessary for the purposes hereinafter mentioned, and no farther, and shall have succession during the continuance of this charter, and by said corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter or renew at their pleasure, and shall have and enjoy, and may exercise all the powers rights and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State, or of the United States, as shall be necessary for the well ordering and conducting the affairs of the company.

When 500 shares shall be subscribed.

Sec. 4. *Be it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid, at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscriptions, the sum of two dollars on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times as may be required by the President and Directors of said company; the said commissioners, or their agents, shall forthwith, after the first election of President and Directors of the company, pay over to the said President and Directors all moneys received by them; and on failure thereof, the said President and Directors may recover the amount due from them, or from any one or more of them, by motion, on ten days previous notice, in the Court of Pleas and Quarter Sessions, or the Superior Court of Law, of any county wherein such commissioner or commissioners, their executors or administrators may reside, or by warrant before a Justice of the Peace of said county.

Payment of stock.

Sec. 5. *Be it further enacted*, That when five hundred shares or more shall have been subscribed, public notice of that event shall be given by three or more of said commissioners, who shall have power, at the same time, to call a general meeting of the subscribers, at such convenient place and time as they shall name in said notice. To constitute any

First general meeting.

such meeting, a number of persons entitled to a majority of all the votes which could be given upon all shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have power to adjourn from time to time, until a meeting shall be formed.

Sec. 6. *Be it further enacted*, That the subscribers, at their general meeting before directed, and the proprietors of stock at every annual meeting thereafter, shall elect a President and five Directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the President or any of the Directors may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting. The President, with any two or more of the Directors, or in the event of sickness, absence or disability of the President, any three or more of the Directors, who shall appoint one of their own body President, *pro tem*, shall constitute a Board for the transaction of business. In case of vacancy in the office of President, or of any Director, happening from death, resignation, removal or disability, such vacancy may be supplied by the appointment of the Board until the next annual meeting.

Directors.

Sec. 7. *Be it further enacted*, That the President and Directors of the said company shall be and they are hereby invested with all the rights and powers necessary for the construction, repair and maintaining of a Railroad to be located, as aforesaid, with as many sets of tracks, as they or a majority of them, may deem necessary; and may cause to be made, and also to make and continue all works whatever, which may be necessary and expedient, in order to the proper completion of said Railroad.

Double tracks &c.

Sec. 8. *Be it further enacted*, That the said President and Directors shall have power to make contracts, with any person or persons, on behalf of the company, for making the said Railroad and performing all other works respecting the

same, which they shall judge necessary and proper, and to require from the subscribers, from time to time, such advances of money on their respective shares, as the wants of the company may demand, until the whole of their subscriptions shall be advanced; to call, on any emergency, a general meeting of the subscribers, giving one month's notice thereof in one of the newspapers printed in the City of Raleigh; to appoint a Treasurer, Clerk and such other officers as they may require, and to transact all the business of the company, during the intervals between the general meetings of the stockholders. Contracts and appointment of officers.

Sec. 9. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the President and Directors, or by a majority of them, within one month after the same shall have been advertised in one of the newspapers published in the City of Raleigh, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction and to convey to the purchaser, the share or shares of such stockholders so failing or refusing, giving one month's previous notice of the time and place of such sale in manner aforesaid, and after retaining the sum due, and all charges of the sale, out of the proceeds thereof, to pay the surplus over to the former owner or to his legal representatives; and if the said sale shall not produce the sum required to be advanced, with the incidental charges attending the sale, then the President and Directors may recover the balance of the original proprietor, or his assignee, or the executor, or administrator, or of either of them, by suit in any Court of record having jurisdiction thereof, or by warrant before a Justice of the Peace of the county of which he is a resident; and any purchaser of the stock of the company, under the sale by the President and Directors, shall be subject to the same rules and regulations as the original proprietor. Delinquent subscribers.

Sec. 10. *Be it further enacted*, That if the capital stock of the company hereby incorporated shall be found insuffi-

cient for the purpose of this act, it shall and may be lawful for the President and Directors of the said company, or a majority of them, from time to time, to increase the said capital stock to an amount not exceeding one million of dollars, by the addition of as many shares as they may deem necessary, first giving to the individual stockholders, for the time being, or their legal representatives, the option of taking such additional shares, in proportion to the amount of stock respectively held by them, and opening books of subscription at such times and places as they may appoint; and the subscribers for such additional shares of the capital stock, in the said company, are hereby declared to be thenceforward incorporated into the said company with all the privileges and advantages and subject to all the liabilities of the original stockholders.

Increase of capital.

Sec. 11. *Be it further enacted*, That the said President and Directors, their officers, agents and servants, shall have full power and authority to enter upon all lands and tenements through which they may desire to conduct their Railroad, and to lay out the same according to their pleasure, so that the dwelling house, kitchen, yard or garden of no person be invaded without his consent; and they shall have power to enter on and lay out such contiguous land, as they may desire to occupy as sites for depots, toll houses, ware houses, engine sheds, workshops, water stations and other buildings for the necessary accommodation of their officers, agents and servants, their horses, mules and other cattle, and for the protection of the property entrusted to their care: *Provided*, that the land so laid out on the line of the Railroad shall not exceed (except at deep cuts and fillings) eighty feet in width; and that the adjoining lands for the sites of buildings (unless the President and Directors can agree with the owner or owners for the purchase of the same,) shall not exceed one and a half acres in any one parcel. If the President and Directors cannot agree with the owner or owners of the land so entered on and laid out by them, as to the terms of purchase, it shall be lawful for them to apply

Lands may be entered upon.

to the Court of Pleas and Quarter Sessions of the County in which such land, or the greater part thereof, may lie, and, upon such application, the Court shall appoint five disinterested and impartial freeholders to assess the damage to the owner from the condemnation of the land for the purpose aforesaid. No such appointment, however, shall be made, unless ten days previous notice of the application shall have been given to the owner of the land, or to the guardian if the owner be an infant, or to the committee, the owner being *non compos mentis*, if such owner, guardian or committee can be found within the county, or if he cannot be so found, then such appointment shall not be made, unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the Court House of the County, and shall have been posted at the door of the Court House, on the first day, at least, of the next preceding term of the said Court. A day for the meeting of the said freeholders, to perform the duty assigned them, shall be designated in the order appointing them; and any one or more of them attending on the day, may adjourn from time to time until their business shall be finished. Of the five freeholders so appointed, any three or more of them may act, after having been duly sworn, or solemnly affirmed before some Justice of the Peace, that they will impartially and justly, to the best of their ability, ascertain the damages which will be sustained by the proprietor of the land, from the condemnation thereof, for the use of the company, and that they will truly certify their proceedings thereupon to the Court of the said County.

Sec. 12. Be *it further enacted*, That it shall be the duty of said freeholders, in pursuance of the order appointing them, to assemble on the land proposed to be condemned, and after viewing the same, and hearing such proper evidence as the parties may offer, they shall ascertain according to their best judgment, the full sum which ought to be paid to the proprietor of the land to be condemned to the use of

Freeholders to assemble on land.

said company, by the condemnation thereof for the use of the company. In performing this duty, they shall consider the proprietor of the land as being the owner of the whole fee simple interest therein; they shall take into consideration the quantity and quality of the land to be condemned, the additional fencing that will be required thereby, and all other inconveniencies which will result to the proprietor from the condemnation thereof.

Freeholders to report.

Sec. 13. Be *it further enacted*, That when the said freeholders shall have agreed upon the amount of damage, they shall forthwith make a written report of their proceedings, under their hands and seals, in substance as follows: "We ——, freeholders, appointed by an order of the Court of Pleas and Quarter Sessions, for the purpose of ascertaining the damages that will be sustained by ——, the proprietor of certain land in said county, which the President and Directors of the Roanoke Valley Railroad Company propose to condemn for their use, do hereby certify that we met together on the land aforesaid, on the —— day of ——, ——, the day appointed therefor by said order, or the day to which we were regularly adjourned from the day appointed for our meeting by the said order, and that having been first duly sworn, and having visited the premises, we proceeded to estimate the quantity or quality of the land aforesaid, the quantity of additional fencing which would probably be occasioned by its condemnation, and all other inconveniences which seemed to us likely to result therefrom, to the proprietor of said land; that under the influence of these considerations, we have estimated and do hereby assess the damage aforesaid, at the sum of $ ——. Given under our hands and seals, the —— day of ——, ——." At the foot of the report so made, the magistrate before whom the said freeholders were sworn shall make a certificate in substance, as follows:

"County, viz: I, ——, a Justice of the Peace of said county, do hereby certify that the above named freeholders, before they executed their duties as above certified, were

solemnly sworn, (or affirmed) before me, that they would impartially and justly, to the best of their ability, ascertain the damages which ought to be paid to the above named ———, by the condemnation of the above mentioned land for the use of the Roanoke Valley Railroad Company, and that they would certify truly their proceedings thereupon, to the Court of Pleas and Quarter Sessions of said county. Given under my hand, this ——— day of ——, ——."

Sec. 14. *Be it further enacted*, That the report of the freeholders so made, together with the certificate of the Justice of the Peace as aforesaid, shall be forthwith returned by the said freeholders to the County Court; and unless good cause be shown against the report, it shall be confirmed by the Court and entered on record; but if the said report shall be disaffirmed, or if the said freeholders, being unable to agree, should report their disagreement, or, from any other cause, they should fail to make a report within a reasonable time after their appointment, the Court may, at its discretion, as often as may be necessary, supersede them, or any one of them, and appoint others in their stead, and direct another view and report to be made in the manner above prescribed. Report to be returned to court.

Sec. 15. *Be it further enacted*, That on the confirmation of any such report, and on payment or tender to the proprietor of the land, of the damage so assessed, or the payment of such damage into Court, when, for good cause shown, the Court shall have so ordered it, the land reviewed and assessed as aforesaid, shall be vested in the Roanoke Valley Railroad Company, and they shall be adjudged to hold the same, for and during the time of their corporate existence, in the same manner as if the proprietor had sold and conveyed it to them; and if at any time before the expiration of said charter, the land and other property herein allowed to be condemned, shall cease to be used for Railroad purposes, either by nonuse, forfeiture or otherwise, for the space of ten years after it shall have been in full operation, Confirmation of report.

then and in that case the said land and other property so condemned, shall revert back and vest in the original owner, his heirs or legal representatives.

While proceedings are depending.

Sec. 16. *Be it further enacted*, That while these proceedings are depending for the purpose of ascertaining the damage to the proprietor, for the condemnation of his land, the President and Directors, if they think the interest of the company requires it, may, by themselves, their officers, their agents and servants, enter upon the lands laid out by them, as aforesaid, and which they desire to condemn, and apply the same to the use of the company. If, when they so take possession, proceedings to ascertain the damages as aforesaid, be pending, it shall be their duty diligently to prosecute them to a conclusion. And when the report of the freeholders ascertaining the damage, shall be returned and confirmed, the Court shall render judgment in favor of the proprietor of the land for the amount thereof, and either compel its payment into Court, or award a process of execution therefor, as to them shall seem right.

Order or injunction.

Sec. 17. *Be it further enacted*, That in the meantime, no order shall be made, and no injunction shall be awarded by any Court or Judge, to stay the proceedings of the company in the prosecution of their works, unless it be manifest that their officers, agents and servants are transcending the authority given them by this act.

Of failing to institute proceedings for 40 days.

Sec. 18. *Be it further enacted*, That if the President and Directors, shall take possession of any land before the same shall have been purchased by them, or condemned and paid for according to the provisions of this act, and shall fail for forty days to institute proceedings for its condemnation as aforesaid, or shall not prosecute, with due diligence, the proceedings commenced for that purpose, it shall be lawful for the proprietor of the land, upon giving to the said President and Directors, or any one of them, ten days previous notice, to apply to the Court of the county in which the land or the greater part thereof shall lie; and upon such application, the

Court shall appoint five disinterested and impartial freeholders to assess the damages to the owner, from the condemnation of his land for the use of the company; shall appoint a day for their meeting to report the duties assigned them; and shall dismiss, at the cost of the company, any proceeding then depending on their behalf for the condemnation of the said land. The freeholders so appointed, or any three or more of them, may act; and shall proceed in the performance of their duties, in all respects, in the same manner as if they had been appointed on the application of the President and Directors of the company. And the Court shall, in like manner, confirm or disaffirm their reports, supersede them or any of them, and appoint others in their stead, or direct another view and report to be made, as often as may be necessary. And when such report, ascertaining the damages, shall be confirmed, the Court shall render judgment in favor of the proprietor, for the damages so assessed, and double costs, and shall thereupon, either compel the company to pay into Court the damages and costs so adjudged, or award process of execution therefor, as to them shall seem right.

Sec. 19. *Be it further enacted*, That when the judgment rendered for the damages assessed and costs shall be satisfied, by the payment of the money into Court or otherwise, the title of the land for which such damages are assessed, shall be vested in the company in the same manner, as if the proprietor had sold and conveyed it to them. Title of land.

Sec. 20. *Be it further enacted*, That the said President and Directors, for the purpose of constructing their Railroad aforesaid, and the works necessarily connected therewith, or of repairing the same, after they shall have been made, or of enlarging or otherwise altering the same, shall be at liberty by themselves, their officers, agents or servants, at any time to enter upon any adjacent lands, and to cut, quarry, dig, take and carry away therefrom any wood, stone, gravel or earth, which may be necessary: *Provided, however*, that they shall not, without the consent of the owner, cut Adjacent lands.

down any fruit trees or any trees preserved in any lot or field, for shade or for ornament, nor take any gravel, timber, stone or earth, constituting any part of any fence or building. For all wood, stone, gravel or earth taken under authority of this act, and for all incidental injuries done to the inclosures, crops, woods or grounds in taking or carrying away the same, the said President and Directors shall make the owner a fair and reasonable compensation, to be ascertained, if the parties cannot agree, by any three disinterested and impartial freeholders, who being appointed for that purpose by any Justice of the Peace thereto required by the owner, shall be sworn by him, and shall then ascertain the compensation upon their own view, of the wood, stone, gravel or earth taken, and of the injury done as aforesaid, in taking them: *Provided, however*, that it shall be the duty of the owner or owners to show to the Justices of the Peace to whom the application is made, that ten days previous notice of the time of making the same, has been given to the President or one of the principal agents of the Railroad company; and no award which may be given under any appointment without such notice, shall be obligatory, or binding on said company: *Provided, however*, that either party not satisfied with the award which may be given as above, may appeal to the Court of Pleas and Quarter Sessions of the county in which the land may be situated, who may, as in the case of assessment of land, confirm or disaffirm the report of the freeholders, supersede them or any of them, and appoint others in their stead, to direct another view and report to be made as often as may be necessary.

Penalty for injuries.

Sec. 21. *Be it further enacted*, If the said President and Directors, in entering upon the lands of any person, under the authority of this act, for the purpose of laying out or constructing, enlarging, altering or repairing, any of their said works, shall, by themselves or their officers, do any wanton or wilful injury to such land or appurtenances, or to the crops growing or gathered, or to any other property thereon, the

Roanoke Valley Railroad Company shall pay to the person so injured, double the amount of damages, which shall be assessed by a jury in any proper action therefor, or if said injury be done by any person or persons who may have contracted with the company for the construction of any portion of their railroad, or any of the works connected therewith, he or they shall be responsible to the party injured in the like amount.

Sec. 22. *Be it further enacted*, That whenever in the construction of said railroad, it shall become necessary to cross or intersect any established road or way, it shall be the duty of the said President and Directors so to construct the said railroad across such established road or way, as not to impede the passage or transportation of persons or property along the same; or when it shall be necessary to pass through the lands of any individual, it shall also be their duty to provide for such individual a proper wagon way across said railroad, from one part of his land to the other: *Provided, however*, that in order to prevent the frequent crossing of established roads or ways, or in cases in which it may be necessary to occupy the same, it may be lawful for the said President and Directors to change the said road to points where they may deem it expedient to do so. And that, for entering upon or taking any land which may be necessary therefor, they shall be and are hereby authorized to proceed under the provisions of this act, as in case of land necessary for their railroad: *Provided further*, that previous to the making of any such change, the said company shall make and prepare a road equally good with the portion of the road proposed to be substituted; but nothing herein contained shall be so construed as to make it incumbent on the company to keep in repair the portion of any road which they may have changed as aforesaid. Crossing road.

Sec. 23. *Be it further enacted*, That the said President and Directors, or a majority of them, shall have power to purchase, with the funds of the company, and place on

Transportation.

the railroad constructed under this act, all machines, wagons, vehicles, carriages and teams of any discription whatsoever, which they may deem necessary or proper for the purpose of transportation; or if they should deem it most expedient to do so, they may contract with any other railroad company, or with any individual or individuals, for effecting the transportation of the same.

Tax.

Sec. 24. *Be it further enacted*, That all machines, wagons, vehicles and carriages, purchased as aforesaid with the funds of the company, or engaged in the business of transportation on said railroad, and all the works of the said company constructed, or property acquired under the authority of this act, and all profits which shall accrue from the same, shall be vested in the respective stockholders of the company, in proportion to their respective shares; and the same shall be deemed personal estate, and shall be exempt from any public charge or tax whatsoever, for the term of fifteen years; and thereafter the Legislature may impose a tax not exceeding twenty five cents per annum, per share, on each share of the capital stock, whenever the annual profits thereof shall exceed six per cent.

Transportation.

Sec. 25. *Be it further enacted*, That upon the railroad hereby authorized, the company shall have the exclusive right of transportation. When it is completed, they shall at all times furnish and keep in good repair the necessary carriages and other requisites, for the safe and convenient transportation of persons and property; and it shall be their duty, at all times, upon the payment or tender of the tolls hereby allowed, to transport to any depot on the road which the owner of the goods may indicate, and there to deliver all articles which shall be delivered to them for transportation, or offered to them in proper condition to be transported, at some depot on the road, most convenient for the reception thereof.

Sec. 26. *Be it further enacted*, That they shall give no undue preference in transportation to the property of one

person over that of another, but, as far as practicable, shall convey each article in the order of time in which it shall be delivered or offered for transportation, with the tolls paid or tendered. If the company, or any of its officers or agents, shall fail to receive, transport or deliver, in due time, any property so offered or delivered to them for transportation, or shall fail to take up or set down any passenger or passengers at such convenient points as he, she or they may desire, upon the payment or the tender of the passage money hereby allowed, they shall forfeit and pay to the party so injured, double the amount of the lawful toll paid or tendered, and shall moreover be liable to an action on the case, in which full damages and double costs shall be recovered. Order of conveying.

Sec. 27. *Be it further enacted*, That so soon as any portion of railroad hereby authorized, shall be in readiness for transportation, it shall be lawful for the said President and Directors, to transport by their officers, or agents, or by contractors under them, persons and property on the same; and they shall have power to charge for the transportation of persons, goods, produce, merchandize or other articles, and for the transportation of the mail, any sum not exceeding the following rates, viz: on persons, not exceeding six cents per mile for each person, unless the distance which any person be transported be less than ten miles, in which case the President and Directors may be entitled to make an extra charge of fifty cents for taking up and putting down each person so transported; for the transportation of goods, produce, merchandize and other articles, not exceeding an average of ten cents per ton per mile; and for the transportation of the mail, such sums as they may agree for; and the said President and directors shall be furthermore entitled to demand and receive for the weighing, storage and delivering produce and other commodities, at their depots and ware houses, rates not exceeding the ordinary ware-house rates charged for such services. Tolls.

Sec. 28. *Be it further enacted*, That as soon as ten Dividends

miles of the railroad hereby authorized shall be completed, the President and Directors shall, annually or semi-annually, declare and make such dividend as they may deem proper, of the nett profits arising from the resources of the said company, after deducting the necessary current and probable contingent expenses of the said company; and shall divide the same among the proprietors of the stock of the said company, in proportion to their respective shares.

Annual meetings.

Sec. 29. *Be it further enacted*, That an annual meeting of the subscribers to the stock of the said company shall be held at such time and place in each year, as the stockholders at their first general or at any subsequent meeting may appoint, to constitute which, or any general meeting called by the President and Directors, according to the provisions of this act, the presence of the proprietors entitled to a majority of all the votes which could be given by all the stockholders, shall be necessary either in person or by proxy, properly authorised; and if a sufficient number do not attend on that day or any day appointed for a general meeting called by the directors as aforesaid, the proprietors who do attend may adjourn from time to time, until a general meeting shall be held.

Votes.

Sec. 30. *Be it further enacted*, That in counting all votes of the said company, each stockholder shall be allowed one vote for each share, not exceeding five shares: one vote for every two shares above five, not exceeding fifteen shares; and one vote for every five shares above fifteen shares, by him held at the time, in the stock of the company: *Provided, however*, that no stockholder, whether an individual or body politic or corporate, shall be entitled to more than sixty votes on any amount of the capital stock of said company, held by him or them.

Accounts.

Sec. 31. *Be it further enacted*, That the President and Directors shall render distinct accounts of their proceedings and disbursements of money, to the annual meeting of the stockholders.

Sec. 32. *Be it further enacted*, That the works hereby required of the Roanoke Valley Railroad Company, shall be executed with diligence; and if they be not commenced within four years after the passage of this act, and finished within six years after the first general meeting of the stockholders, then this charter shall be forfeited and cease. Limitation of time.

Sec. 33. *Be it further enacted*, That the President and Directors shall cause to be written or printed, certificates for the shares of the stock in said company, and shall deliver one of such certificates, signed by the President and countersigned by the Treasurer, to each person, for the number of shares subscribed by him, which certificate shall be transferable by him, subject, however, to all payments due or to become due thereon; and such assignee having caused the transfer or assignment to be entered into a book of the company to be kept for the purpose, shall thenceforth become a member of the said company, and shall be liable to pay all sums due, or which shall become due, upon the stock assigned to him: *Provided, however*, that such assignments shall, in nowise, exempt the assignor or his represensative, from the liability to the said company, for the payment of all such sums, if the assignee or his representative shall be unable or fail to pay the same. Certificates.

Sec. 34. *Be it further enacted*, That if, at any time hereafter, the above rates for tolls and transportation, shall enable the said President and Directors, after the payment of all necessary expenses, and after setting apart a fair and reasonable sum for the renewal and repairs of said road, warehouses, depots, and other constructions, and of the machines, cars and other vehicles for transportation, to divide more than fifteen per cent. on their capital stock invested, that the said rates of toll and transportation shall be so reduced by the said President and Directors, as to enable them to divide fifteen per cent. and no more. Limitation of profits.

Sec. 35. *Be it further enacted*, That all the officers of

Exemptions. the company, and servants and persons in the actual employment of the company, be, and they are hereby exempted from performing ordinary militia duty, working on public roads and serving as jurors.

Duty in war. Sec. 36. *Be it further enacted*, That it shall be the duty of said company, in case of war or insurrection, to transport the troops in the employment of the State and their munitions of war, free of cost, over the said road.

Contracts. Sec. 37. *Be it further enacted*, That all contracts or agreements authenticated by the President and Secretary of the Board of Directors, shall be binding on the company with or without a seal; such a mode of authentication shall be used, as the company, by their by-laws, may adopt.

One condition of charter. Sec. 38. *And be it further enacted*, That one of the conditions of this charter is, that this General Assembly shall have power and authority, at any future session, to establish, regulate and control the intercourse between the Roanoke Valley Railroad and the Raleigh and Gaston Railroad, so as best to secure to the public an easy and convenient passage of persons and property.

Sec. 39. *Be it further enacted*, That the said corporation shall hold and enjoy the corporate powers hereby granted for ninety years and no longer, without a renewal of its charter.

[Ratified 28th January, 1851.]

CHAPTER CXXXIII.

AN ACT to incorporate the Western Plank Road Company.

Commissioners, &c.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful to open books in the town of Newton, in the county of Catawba, under the direction of Jonas Bost, Andrew H. Shuford and Locke McCorkle; in the town of Lincolnton, under the direction of C. C. Henderson, Jacob A. Ramsour, William Slade, Haywood W. Guion and Leonard E. Thompson; and in the town of Charlotte, under the direction of William R. Myers, William Johnston, Henry B. Williams, Braly Oats, Charles T. Alexander, Sr., and Benjamin Morrow; at such other places, and under the direction of such other persons, as any three of the commissioners hereinbefore named shall appoint, for the purpose of receiving subscriptions, to an amount not exceeding two hundred thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plank road from the town of Charlotte to the town of Lincolnton, and thence to the town of Newton, and such branches thereof as a majority of the stockholders shall determine.

Time &c. to be advertised.

Sec. 2. *Be it further enacted*, That the times and places for receiving subscriptions shall be advertised in Lincoln, Mecklenburg, and other places, and the books for receiving the same shall not be closed in less than thirty days: And the said commissioners shall have power to open the books from time to time, as they may think proper, until the whole number of shares be subscribed.

When charter shall be secured.

Sec. 3. *Be it further enacted*, That the charter shall be secured when the sum of twenty-five thousand dollars is subscribed for, in manner aforesaid; and the subscribers, their executors, administrators or assigns shall be, and they are hereby declared to be incorporated into a company, by the name and style of "The Western Plank Road Company;" and, by that name, shall be capable, in law, of purchasing,

holding, selling, leasing and conveying estates, real, personal and mixed, so far as shall be necessary for the purposes of said company; and shall have perpetual succession; and by said corporate name may sue and be sued; and may have a common seal, which they shall have power to alter and renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights, and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting the affairs of said company.

Payment of stock.

Sec. 4. *Be it further enacted* That upon any subscriptions of stock as aforesaid, there shall be paid, at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscriptions, the sum of one dollar on every share subscribed; and the residue thereof shall be paid in such instalments, and at such times, as may be required by the president and directors of said company.

Commissioners to pay over.

Sec. 5. *Be it further enacted*, That the said commissioners, or their agents, shall further, after the first election of President and Directors of the company, pay over to the said President and Directors all monies received by them; and on failure thereof, the said President and Directors may recover the amount due from them, or from any one or more of them, by legal process in the courts of pleas and quarter sessions, or in the superior court of law, in any county wherein such commissioner or commissioners, their executors or administrators may reside, or by warrant before a justice of the peace for said county.

First meeting of the stockholders.

Sec. 6. *Be it further enacted*, That when twenty-five thousand dollars shall have been subscribed, public notice of that event shall be given by the said commissioners at Charlotte, who shall have power, at the same time, to call a general meeting of the stockholders at such convenient place and time as they shall name in said notice.

Quorum.

Sec. 7. *Be it further enacted*, That to constitute any such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have power to adjourn from time to time, until a meeting shall be formed.

Election of directors.

Sec. 8. *Be it further enacted*, That the subscribers, at their general meeting before directed, and the proprietors of stock at every annual meeting thereafter, shall elect a President and nine Directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said President and Directors, or any of them, may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting. The President, with any three or more of the directors, or, in the event of the sickness and absence or disability of the President, any five or more of the directors may appoint one of their own body President *pro tempore*, and shall constitute a board for the transaction of business. In cases of vacancy in the office of President or any Director, happening from death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Rights and powers of board.

Sec. 9. *Be it further enacted*, That the President and Directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repairs and maintaining of a plank road to be located as aforesaid, with as many branches diverging from the main stem as they, or a majority of them, may deem necessary, and may cause to be made and also to make and construct all works whatsoever which may be necessary and expedient to the proper completion of the said road and all its branches.

Power of directors.

Sec. 10. *Be it further enacted*, That the said President and Directors shall have power to make contracts with any person or persons, on behalf of the company, for making the said plank road, together with any branches of the same, and performing all other things respecting the same which they shall judge necessary and proper; and to require from the subscribers, from time to time, such advances of money, on their respective shares, as the wants of the company may demand, until the whole of their subscriptions shall be advanced; to call, on any emergency, a general meeting of the stockholders, giving one month's notice thereof in one of the newspapers printed in each of the towns of Charlotte and Lincolnton; to appoint a treasurer from among the stockholders, (but not of their own body,) who shall give bond and security for the faithful discharge of his duty and duly accounting for all the money which may come into his hands as treasurer; to appoint a clerk and such managers and toll gatherers as they may deem necessary; and to transact all the business of the company during the intervals between the general meetings of the stockholders.

Delinqu'nt stockholders.

Sec. 11. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the President and Directors, or by a majority of them, within one month after the same shall have been advertised in one of the newspapers printed in each of the towns of Charlotte and Lincolnton, it shall and may be lawful for the President and Directors, or a majority of them, to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholders so failing or refusing, giving one month's previous notice of the time and place of sale, in manner aforesaid; and after retaining the sum due and all the charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner, or to his legal representatives; and if the sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, then the

President and Directors may recover the balance of the original proprietor, or his assignee, or the executor or administrator, or either of them, by suit in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county of which he is a resident; and any purchaser of the stock of the company, under the sale by the President and Directors, shall be subject to the same rules and regulations as the original proprietors.

Increase of capital.

Sec. 12. *Be it further enacted*, That if the capital stock of the company hereby incorporated shall be found insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of the said company, or a majority of them, from time to time, to increase the said capital stock to an amount not exceeding three hundred thousand dollars, by the addition of as many shares as they may deem necessary, first giving the individual stockholders, for the time being, or their legal representatives, the option of taking such additional shares in proportion to the amount of stock respectively held by them, and opening books in the towns of Charlotte, Lincolnton and Newton, and such other places as the President and Directors may think proper for any balance of the capital stock created which may not be taken by the stockholders for the time being, or in their behalf; and the subscribers for such additional shares of the capital stock in the said company, are hereby declared to be thenceforward incorporated into the said company, with all the privileges and advantages, and subject to all the liabilities, of the original stockholders.

Agreement for land.

Sec. 13. *Be it further enacted*, That the President and Directors, their officers or agents may agree with the owners of any land over which the said road, or any of its branches, is intended to pass, for the purchase thereof; and in case of disagreement, or if the owners shall be *feme covert*, under age or *non compos*, or out of the State, on application to any two justices of the peace of the county where the lands lie, the justices shall issue their warrants to the sheriff of said coun-

ty to summon eighteen freeholders to meet on the land to be valued, on a day expressed in the said warrant, not less than ten nor more than twenty days thereafter, and the sheriff, on receipt of the warrant shall summon the freeholders accordingly, and when met shall draw twelve of them, who, after being duly sworn, will impartially value the land in question, and consider the damages the owners thereof may sustain; and the inquisition so taken shall be signed by the sheriff and the jur , and returned to the clerk of the county court to be recorded. And, in all cases, the jury is hereby directed to describe the land valued; and such valuation shall be conclusive; and the President and Directors shall pay the sum to the owner of the land valued, or his legal representatives; and if neither can be found in this State, or if they should refuse to receive the money, then to the clerk of the county court: and on payment thereof, the said corporation shall be seized in fee of the land, as fully and absolutely as if it had been conveyed to them by the owners: *Provided, nevertheless*, that the dwelling house, kitchen, yard or garden of no person shall be invaded, or any part thereof appropriated to the use of such corporation, without the consent of the owner.

Notice, sheriff to give.

Sec. 14. *Be it further enacted*, That it shall be the duty of the sheriff to give at least five days' notice, in writing, to the parties interested, of the time and place of the meeting of the jurors to assess damages aforesaid; and that for each notice he be allowed a fee of seventy-five cents.

Costs.

Sec. 15. *Be it further enacted*, That all of the costs incident to the condemnation of said land, and the assessment of damages as aforesaid, shall be paid by such corporation; and that the two justices who may issue the aforesaid warrant to the sheriff, or any other two justices of the county, after the inquisition is signed by the jury and countersigned by the sheriff, shall have power to render judgment and issue execution for said costs.

Land for toll-houses.

Sec. 16. *Be it further enacted*, That the President and Directors may agree with the proprietor or proprietors for any quantity of land not exceeding five acres at or near each place or station intended for collecting tolls, for the purpose of erecting the necessary buildings, gates, &c.; and in case of disagreement, or of any disabilities aforesaid, or the owner or owners being out of the State, the same proceedings may be had, and the same conveyances shall follow, as are described in the preceding section.

Tolls.

Sec. 17. *Be it further enacted*, That it shall and may be lawful for the said President and Directors to demand and receive, at some convenient toll gates to be by them erected, a reasonable toll from all persons using said Plank road, or any of its branches, which toll, so to be collected, shall be so regulated that the profits shall not exceed twenty-five per cent. on the capital of said company in any one year.

Width of road, &c.

Sec. 18. *Be it further enacted*, That the said road hereby authorized to be made by the President and Directors, shall not be less than eight feet, nor more than thirty feet wide. And that as soon as ten miles in extent shall have been constructed, it shall and may be lawful for the President and Directors of said company to erect a toll gate and collect such tolls from persons using said road as may be determined by the President and Directors, in accordance with the rates imposed by the seventeenth section of this act, and in like proportion for a greater extent of road; and if any person or persons shall refuse to pay the toll at the time of offering to pass the place or places designated for their collection, and previous to passing the same, the toll-gatherers respectively may refuse a passage to the person or persons so refusing to pay; and if any person or persons shall pass or drive through any wheeled carriage or animal liable to toll, without paying the same, he or they shall be liable to a fine of five dollars, which fine may be recovered by warrant

before any justice of the peace of the county wherein such toll gate may be situated.

Penalty

Sec. 19. *Be it further enacted*, That if any person or persons shall wilfully or maliciously injure, or in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause or aid, or assist or counsel and advise any other person or persons to injure, hurt, damage or obstruct the said Plank road, toll gates or toll houses, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be imprisoned or fined at the discretion of the court before which said conviction shall take place.

Accounts.

Sec. 20. *Be it further enacted*, That the President and Directors shall render distinct accounts of their proceedings and disbursements of money to the annual meetings of the stockholders, and to the Governor of the State.

Crossing roads.

Sec. 21. *Be it further enacted*, That whenever, in the construction of said plank road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the President and Directors so to construct the said plank road across such established roads or ways as not to impede the passage or transportation of persons or property along the same. And if, in the construction of said plank road, it may become necessary or expedient to occupy or use any portion of any established public road or way, it may be lawful for the President and Directors to change the said roads, at points where they may deem it necessary so to do; and that for entering upon, or taking any land that may be necessary therefor, they shall be and are hereby authorized to proceed, under the provisions of this act, as in the case of land necessary for the plank road: *Provided further*, that previous to the making of any such change, the said company shall make and prepare a road equally good with the portion of the road proposed to be substituted; but nothing herein contained shall be so construed as to make it incum-

bent on the company to keep in repair the portion of any road which they may have changed as aforesaid.

Money specifically applied.

Sec. 22. *Be it further enacted*, That the money subscribed in the county of Mecklenburg shall be appropriated to the construction of that part of the road lying in the county of Mecklenburg, and in the construction of the bridge which will be necessary across the Catawba river; that the money subscribed in the counties of Gaston and Lincoln, with any surplus which may remain from the stock subscribed in the county of Mecklenburg, after the construction of that part of the road mentioned in the former part this section, shall be applied in the construction of the road lying within the counties of Gaston and Lincoln; and the money raised by subscriptions in the county of Catawba shall be applied to the construction of the road lying in the county of Catawba.

Bridge.

Sec. 23. *Be it further enacted*, That the said company shall have power to construct a bridge across the Catawba river, at such place as they may designate in the track of said road; and so soon as said bridge shall be completed, shall have power to establish a toll gate thereto, and from all persons who may cross said bridge, may require the following tolls, viz: For every pleasure carriage, fifty cents; for every two horse buggy, forty cents; for every one horse buggy, twenty-five cents; for every four horse wagon, fifty cents; for every two horse wagon, twenty-five cents; for every cart, twenty cents; for every one horse wagon, twenty cents; for every man and horse, ten cents; for every person on foot, five cents; for every loose horse and mule, five cents; for every cow, hog or sheep, three cents; and for every animal on foot intended for exhibition, twenty-five cents: *Provided*, that all persons who may pay the tolls which the said company may prescribe for the passage on the road, shall not be subjected to the additional tolls for the passage of the bridge authorized by this section.

Sec. 24. *Be it further enacted*, That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act, and continue in force for thirty years.

[Ratified 28th January, 1851.]

CHAPTER CXXXIV.

AN ACT to amend an act, passed at the session of 1848-49, entitled "An Act to incorporate the Fayetteville and Western Plank Road Company."

Preamble. WHEREAS, the act passed at the session of 1848–'49, entitled "An Act to incorporate the Fayetteville and Western Plank Road Company," contains no provision for the registration of the bonds authorized to be issued for the payment of the State's subscriptions to stock in said company:

Bonds, Comptroller to register. Sec. 1. *Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That hereafter the bonds or certificates of debt authorized to be issued by said act, which said act provides that they shall be signed by the Governor, and countersigned by the Treasurer, shall be prepared and executed, as provided by said act; it shall be the duty of the Comptroller to register the same in a book to be by him kept for that purpose, and to endorse on said bonds a certificate of registration; and when the Comptroller delivers the same to the Public Treasurer, he shall charge him (the Treasurer) in his books with the amount specified in said bonds; and also with such sums, if any, as the Public Treasurer may obtain by way of

premium on the sale thereof, an account of which it shall be the duty of the Treasurer to report to the Comptroller; and no bond or certificate hereafter to be issued as aforesaid, in pursuance of said act, shall be valid against the State or redeemed at the Treasury, unless it shall have endorsed thereon the certificate of registration by the Comptroller as herein provided.

[Ratified 27th January, 1851.]

CHAPTER CXXXV.

AN ACT to alter and amend an act, passed by the General Assembly, at the session of 1848–'49, entitled "An Act to incorporate the Fayetteville and Western Plank Road Company."

Width of road.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the sixteenth section of said act as requires said road to be made not less than ten feet wide, be repealed, and the said company is authorized to construct the same not less than eight feet wide.

Vote of State.

Sec. 2. *Be it further enacted,* That when the capital of said company shall have been increased, so that the stock owned by individuals shall equal that owned by the State, then so much of the twenty-first section as entitles the representative of the State to cast a vote equal to three-fifths of the whole number of votes present at any meeting, either in person or by proxy, shall be repealed; and the State, through its representative, shall be entitled to vote as individual stockholders, that is to say, one vote for every share of stock held.

Fine. Sec. 3. *Be it further enacted*, That if any person shall travel on said road between the points designated for the collection of toll, with intent to evade the payment thereof, he shall be liable to a fine of five dollars, to be collected as provided in the sixteenth section of said act.

Toll on bridges. Sec. 4. *Be it further enacted*, That said company is authorized to charge, on any bridges by them erected, the same rates of toll as are now established on like bridges in the counties in which they may be situated: *Provided*, that any person traveling a distance of five miles on said road, who shall have paid the legal toll for the same, shall not be liable to pay any additional toll for crossing such bridge.

Terminus may be changed. Sec. 5. *Be it further enacted*, That the stockolders, at any general meeting which may be held, shall have full authority to change the proposed terminus of their road, west or northwest of Johnsonville, in the county of Randolph, and to fix the same at any other point which they may deem necessary.

[Ratified 28th January, 1851.]

CHAPTER CXXXVI.

AN ACT to incorporate the Fayetteville and Warsaw Plank Road Company.

Commissioners. Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That A. A. McKethan, Duncan G. McRae, William McIntyre, David A. Ray, Peter P. Johnson and Henry Branson, of the county of Cumberland; A. B. Chestnut, Josiah Johnson, John R. Beaman, Patrick Murphy and

Thomas M. Lee, of the county of Sampson; and Wentworth W. Pierce, David G. Morisey and Rowland Best of the county of Duplin, together with such persons as now are, or may hereafter be associated with them, their successors or assigns, be, and they are hereby created a corporation and body politic, by the name and style of "The Fayetteville and Warsaw Plank Road Company;" and, by that name and style, may acquire, hold, possess and transfer such real, personal and mixed estates, so far as may be necessary for the purpose of constructing the road herein authorized to be made, or of managing the affairs of said company, and shall have perpetual succession and a common seal, which they shall have power to alter and renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purpose mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this or of the United States, as shall be necessary for the well ordering and conducting of the affairs of the company; and by said name may sue and be sued, plead and be impleaded in any courts of this State. Powers.

Sec. 2. *Be it further enacted*, That the capital of said company shall not exceed the sum of one hundred and twenty five thousand dollars, in shares of fifty dollars each; the payment or securing of the stock of said company to be made under such rules and regulations as may be prescribed by the Board of Directors hereinafter provided for. The said company shall have power to construct a plank road from the town of Fayetteville, in the county of Cumberland, to the town of Warsaw, in the county of Duplin, passing through the town of Clinton, in the county of Sampson. Capital, &c. Location of road.

Sec. 3. *Be it further enacted*, That a general meeting of the stockholders of said company shall be called, at such time and place as may be deemed convenient for the same, by giving public notice in one or more newspapers published General meeting.

in the county of Cumberland, Sampson or Duplin, or in some paper most contiguous to the same, giving at least ten days' notice of the time and place of such meeting; that to constitute any such meeting, a number of shares entitled to a majority of votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have the power to adjourn from time to time until a meeting shall be formed.

Directors.

Sec. 4. *Be it further enacted*, That the subscribers to the stock of said company, at their meeting hereinbefore directed to be called, and the proprietors of stock, at every annual meeting thereafter, shall elect seven directors; and the directors, when appointed, shall choose one of their number President, who shall continue in office (unless sooner removed) until the next annual meeting after their election, and until their successors shall be elected. But the said directors, or any of them, may, at any time, be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting: the President, with any three or more directors, (or in the event of sickness, absence or disability of the President) any four or more of the directors, who may appoint one of their number President *pro tem.*, shall constitute a board for the transaction of business. In cases of vacancy in the board of directors, happening from death, resignation, or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Rights of directors.

Sec. 5. *Be it further enacted*, That the Board of Directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction and repairs of the plank road herein authorized to be made, and also to make, purchase and construct all such mills and other works as may be necessary for the construction and well ordering of the said road.

Powers of board.

Sec. 6. *Be it further enacted*, That the said Board of Directors shall have power to make contracts with any person or persons, on behalf of the company, for the construction of said road, and of performing all other things respecting the same, which they shall judge necessary and proper; and to require from the stockholders, from time to time, such advances of money, on their respective shares, as the wants of the company may demand, until the whole of their subscription shall be paid; to call, on any emergency, a general meeting of the stockholders, giving at least twenty days' notice thereof in one or more newspapers published in the town or towns most contiguous to the town of Clinton and the town of Warsaw; to appoint such officers as they may deem necessary to transact the business of the company, taking from them, at their discretion, bond and security for the faithful discharge of their several duties and duly accounting for all monies coming into their hands; to appoint such superintendents, managers, and toll-gatherers as may be necessary; and, generally, to transact all the business of the company between the general meetings of the stockholders.

Delinquent stockholders.

Sec. 7. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the board of directors, it shall and may be lawful for said Board of Directors to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing, or refusing, giving twenty days' previous notice of the time and place of sale as aforesaid; and after retaining the sum due and all the charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner or to his legal representatives; and if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, then the said board of directors may recover the balance of the original proprietor, or his assignee, or of the executor or administrator, or either of them, by suit in any court of record having jurisdiction thereof, or by warrant

before any justice of the peace of the county of which he, she or they are residents; and any purchaser of the stock of the company, under a sale by order of the board of directors, shall be subject to the same rules and regulations as the original proprietor.

Valuation of land.

Sec. 8. *Be it further enacted*, That the said Board of Directors, their officers or agents, may agree with the owners of any lands, over which the said road is intended to pass, for the purchase and transfer thereof; and in case of disagreement, or if the owners shall be *feme covert*, *under age*, or ***non compos mentis***, or out of the State, on application to any two justices of the peace of the county where the land lies, the justices shall issue their warrant to the sheriff of said county, to summon eighteen freeholders to meet on the land to be valued, on the day expressed in said warrant, not less than ten, nor more than twenty days thereafter; and the sheriff, on the receipt of the warrant, shall summon the freeholders accordingly; and when met, shall draw twelve of them, who, after being duly sworn, shall impartially value the land in question and consider the damages (if any) the owner thereof may sustain; and the inquisition so taken shall be signed by the jury, and countersigned by the sheriff, and returned to the clerk of the county court, to be recorded; and, in all cases, the jury is hereby directed to describe the land valued; and such valuation shall be conclusive; and the said Board of Directors shall pay the sum to the owner of the land valued or his legal representatives; and if neither can be found in this State, or, if they refuse to receive the money, then to the clerk of the county court of the county wherein said land is situated; and on the payment thereof, the said corporation shall be seized in fee of the land, as fully and absolutely as if it had been conveyed to them by the owner.

Sec. 9. *Be it further enacted*, That the said Board of Directors, or their agents, may agree with the proprietor or

proprietors for any quantity of land they may deem necessary for their purposes, at or near each station or place intended for the collection of tolls, for the purpose of erecting the necessary buildings, gates, &c., intended for the purposes of the company; and in case of disagreement, or of any disability as aforesaid, the same proceedings may be had, and the same conveyances shall follow, as are prescribed in the preceding section: *Provided*, that in cases of disagreement, not more than five acres of land shall be condemned to the use of said company at any one station. Land for toll houses or gates.

Sec. 10. *Be it further enacted*, That it shall and may be lawful for the said Board of Directors, as soon as five miles are completed, to demand and receive, at some convenient toll gates or gate, to be by them erected, a reasonable toll from all persons using said plank road, or any part thereof between said gates; said road to be made not less than eight, nor more than sixty-six feet wide. Tolls and width of road.

Sec. 11. *Be it further enacted*, That if any person or persons shall refuse to pay the toll at the time of offering to pass the place or places designated for the collection of tolls and previous to passing the same, the toll-gatherers respectively may refuse a passage to the person or persons refusing to pay; and if any person or persons forcibly or fraudulently pass any gate thereon, without having paid the legal toll, and any and every person or persons, who to avoid paying the legal toll, shall, with his team, carriage or horse, or any other animal liable to toll, turn out of said road on ground adjacent thereto and enter again upon such road, and any person or persons who shall use said road between the points designated for the collection of tolls, without paying the same, he, she or they shall pay a fine of five dollars, to be recovered, by warrant, before any justice of the peace in the county wherein such toll gate or point of collection shall be situated. Evasions of toll.

Sec. 12. *Be it further enacted*, That if any person or

Penalty for injury.

persons shall wilfully or maliciously injure, or in any manner damage or obstruct, or shall wilfully or maliciously cause or advise any other person or persons to injure, obstruct or damage the said plank road, toll gate or toll house, bridge or any other property or effects of said company, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be fined or imprisoned, at the discretion of the court before which said conviction shall take place, and shall further be liable to the company for damages that may be sustained on account of such injury.

Accounts.

Sec. 13. *Be it further enacted*, That distinct accounts of the proceedings and disbursements of the board shall be made by them to the annual meetings of the stockholders.

Crossing roads.

Sec. 14. *Be it further enacted*, That whenever in the construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of the board of directors so to construct the said plank road across said established roads or ways, as not to impede the passage or transportation of persons or property along the same; and if in the construction of said plank road, or any toll gate or toll house, it may become necessary or expedient to use or change any portion of any established road or way, it may be lawful for the Board of Directors to change the said road or way, at points where they may deem it necessary or expedient to do so; and for entering upon or taking any land therefor, they shall be and they are hereby authorized to proceed, under the provisions of this act, as in case of land necessary for the plank road: *Provided further*, that previous to any such change the said company shall make and prepare a road equally good as the one proposed to be substituted, but nothing herein contained shall be so construed as to make it incumbent on said company to keep in repair the portion of road which they may have changed as aforesaid.

Sec. 15. *Be it further enacted*, That as soon as the sum

of ten thousand dollars is subscribed, the persons named in the first section, or a majority of them, shall call a general meeting of the stockholders, at such time and place as they shall think proper, to organize the said company, by the election of directors as provided for in this act; and the directors so elected shall have power and authority to commence the said road, and to construct that portion between Fayetteville and Clinton, or between Clinton and Warsaw, as a majority of them may think best for the said company; and the said directors shall not declare a greater dividend of their profits than 25 per cent. in any one year. General meeting—dividends.

Sec. 16. *Be it further enacted*, That this act shall be in force, from and after its ratification, and shall be regarded as a public act and be continued in force for thirty years.

[Ratified 28th January, 1851.]

CHAPTER CXXXVII.

AN ACT to incorporate the Raleigh and Summerville Plank Road Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That E. P. Guion, Richard Smith and Andrew Betts, of Wake County; and Cornelius H. Cofield, Malcom McKay, Zachariah Cofield, William Plaiock, Nathaniel Jones, John Purify, A. D. McLean and Archibald Cameron, of the County of Cumberland, with such persons as now are or hereafter may be associated with them, their successors or assigns, be, and they are hereby created a body politic and corporate, by the name and style of the "Raleigh and Summerville Plank Road Commissioners.

Company;" and by that name and style, may acquire, hold, possess and transfer such real, personal and mixed estate, so far as may be necessary for the purpose of constructing the road herein authorized to be made, or of managing the affairs of said company; and shall have perpetual succession and a common seal, which they shall have power to alter or renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting of the affairs of the company, and, by said name, may sue and be sued, plead and be impleaded, in any of the Courts of this State.

Corporate powers.

Sec. 2. *Be it further enacted*, That the capital of said company shall not exceed forty thousand dollars, in shares of fifty dollars each, the payment or securing of the stock of said company to be made under such rules and regulations as may be provided by the Board of Directors hereinafter provided for; the said company shall have power to construct a Plank Road from the City of Raleigh to some point on the Cape Fear River at Purify's or Atkin's ferry, in Cumberland County; starting from the City of Raleigh, and passing over the most practicable route to the point aforesaid.

Capital; location of road.

Sec. 3. *Be it further enacted*, That a general meeting of the stockholders of said company shall be called at such time and place as may be convenient for the same, by giving public notice in one or more of the papers published in the City of Raleigh and Town of Fayetteville, giving at least ten days notice of the time and place of holding such meeting; that to constitute any such meeting, a number of shares entitled to a majority of votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on

General meeting.

that day, those who do attend shall have the power to adjourn from time to time until a meeting shall be formed.

Sec. 4. *Be it further enacted*, That the subscribers to the stock of said company, at their meeting herein before directed to be called, and the proprietors of stock at every annual meeting thereafter, shall elect nine Directors and a President, with all other officers necessary for the transaction of business, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected. But the said President and Directors, or any of them, may, at any time, be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting: The President, with any three or more of the Directors, or, in the absence of the President, any four or more of the Directors, who may appoint one of their number President *pro tempore*, shall constitute a board for the transaction of business. In case of vacancy in the Board of Directors, happening from resignation or otherwise, such vacancy shall be supplied by the appointment of the Board until the next annual meeting. President and other officers.

Sec. 5. *Be it further enacted*, That the Board of Directors of said company shall be, and are hereby invested with all the rights and powers necessary for the construction and repairs of the Plank Road herein authorized to be made; and also to make, purchase and construct all such mills and other works as may be necessary for the construction and well ordering of said road. Powers of board.

Sec. 6. *Be it further enacted*, That said Board of Directors shall have power to make contracts, with any person or persons on behalf of the company for the construction of said road, and of performing all other things respecting the same, which they may think necessary; and from time to time to require from the stockholders, such advances of money on their respective shares as the wants of the company may demand, until the whole of their subscriptions shall be paid; to May contract and require payment of stock, &c. &c.

call, on any emergency, a general meeting of the stockholders, giving at least twenty days notice thereof, in one or more of the papers printed in Raleigh and Fayetteville, to appoint such officers as they may deem necessary to transact the business of the company, taking from them, at their discretion, bond and security for the faithful discharge of their several duties, and duly accounting for all moneys coming into their hands; to appoint such superintendents, managers and toll gatherers as may be necessary; and generally to transact all the business of the company between the general meetings of the stockholders.

Sec. 7. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the Board of Directors, it shall and may be lawful for said Board of Directors to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving twenty days previous notice of the time and place of such sale, in manner aforesaid; and after retaining the sum due and the charges of the sale, out of the proceeds thereof, to pay the surplus over to the former owner, or to his legal representatives; and if said sale shall not produce the sum required to be advanced, with all incidental charges attending the sale, then the said Board of Directors may recover the balance of the original proprietor, or his assignee, or of the executor or administrator of either of them, by suit, in any Court of record having jurisdiction thereof, or by warrant before any Justice of the Peace of the county of which he, she or they are residents; and any purchaser of the stock of the company, under a sale by order of the Board of Directors, shall be subject to the same rules and regulations as the original proprietors.

Delinquent stockholders.

Sec. 8. *Be it further enacted*, That the said Board of Directors, their officers or agents, may agree with the owners of any lands over which the said road is intended to pass, for the purchase and transfer thereof; and in case of disagreement, or if the owners shall be *feme covert*, under age, *non compos*

mentis, or out of the State, on application to any two Justices of the Peace of the county where the lands lie, the Justices shall issue their warrants to the Sheriff of said county, to summon eighteen freeholders to meet on the land to be valued, on the day expressed in said warrant, not less than ten, nor more than twenty days thereafter; and the Sheriff, on the receipt of the warrant, shall summon the freeholders accordingly, and when met, shall draw twelve of them, who, after being duly sworn, shall impartially value the land in question; and consider the damages, if any, the owner thereof may sustain; and the inquisition so taken shall be signed by the Jury, and countersigned by the Sheriff, and returned to the Clerk of the County Court, to be recorded; and, in all cases, the Jury is hereby directed to describe the land valued; and such valuation shall be conclusive; and the said Board of Directors shall pay the sum to the owner of the land valued, or his legal representative; and if neither can be found in this State, or if they refuse to receive the money, then to the Clerk of the County Court; and on payment thereof, the said corporation shall be seized in fee of the land, as fully and absolutely as if it had been conveyed to them by the owner. Valuation of land.

Sec. 9. *Be it further enacted*, That said Board of Directors, or their agents, may agree with the proprietor or proprietors for any quantity of land they may deem necessary for their purposes, at or near each station or place intended for the collection of tolls, for the purpose of erecting the necessary buildings, gates, &c., intended for the purposes of the company; and in case of disagreement, or of any disability as aforesaid, the same proceedings may be had, and the same conveyance shall follow, as are prescribed in the preceding section: *Provided*, that in case of disagreement, not more than five acres of land shall be condemned to the use of said company at any one station. Land for gates, &c.

Sec. 10. *Be it further enacted*, That it shall and may be lawful for the said Board of Directors, as soon as five miles

are completed, to demand and receive at convenient toll gates to be by them erected, a reasonable toll from all persons using said Plank Road; said road to be made not less than eight, nor more than sixty feet wide: *Provided*, the toll to be collected on said road shall be so regulated, that the profits shall not exceed twenty five per cent. on the capital of said company in any one year.

Toll and width of road.

Sec. 11. Be *it further enacted*, That if any person or persons shall refuse to pay the toll, at the time of offering to pass the place or places designated for the collection of tolls, and previous to passing the same, the toll gatherers respectively may refuse a passage to the person or persons refusing to pay; and if any person forcibly or fraudulently pass any gate thereon, without having paid the legal toll; and every person who to avoid paying the legal toll, shall, with his team, carriage or horse, fraudulently turn out of said road on ground adjacent thereto, and shall enter again upon such road; and any person or persons who shall fraudulently use said road between the points designated for the collection of said tolls, without paying the same, he, she or they shall pay a fine of five dollars, to be recovered, by warrant, before any Justice of the Peace in the county wherein such toll gate or point of collection shall be situated.

Penalty for evasion or fraud.

Sec. 12. Be *it further enacted*, That if any person or persons shall wilfully or maliciously injure, or in any manner damage or obstruct, or shall wilfully or maliciously cause any other person or persons to injure or obstruct, the said Plank Road, toll gates or toll houses, or any property or effects of said company, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be fined or imprisoned at the discretion of the Court before which said conviction shall take place, and shall further be liable for damages that shall be sustained on account of such injury.

Penalty for injuries, &c.

Sec. 13. Be *it further enacted*, That distinct accounts of the proceedings and disbursements of the board, shall be made by them to the annual meetings of the stockholders.

Accounts.

Sec. 14. Be *it further enacted*, That whenever, in the construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of the Board of Directors so to construct the said Plank Road across such established road or way, as not to impede the passage or transportation of persons or property along the same; and if in the construction of said Plank Road, or of any toll gate or toll house, it may become necessary or expedient to use or change any portion of any established road or way, it may be lawful for the Board of Directors to change the said road or roads at points where they may deem it necessary or expedient to do so; and for entering upon, or taking any land therefor, they shall be and are authorized hereby to proceed, under the provisions of this act, as in case of land necessary for the Plank Road: *Provided further*, that previous to any such change, the said company shall make and prepare a road equally good as the one proposed to be substituted; but nothing herein contained shall be so construed as to make it incumbent on said company to keep in repair the portion of road they may have changed as aforesaid. Crossing roads, &c.

Sec. 15. Be *it further enacted*, That this act shall be in force from and after its ratification, and shall be regarded as a public act, and be continued in force twenty five years.

[Ratified 27th January, 1851.]

CHAPTER CXXXVIII.

AN ACT to incorporate the Wilmington and Topsail Sound Plank Road Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of*

the same, That it shall be lawful to open books in the town of Wilmington, under the direction of Thomas H. Wright, Dugald McMillan, Miles Costin, Hiram R. Nixon, John A. Saunders, Samuel Berry, or any two of them; at Topsail Academy, under the direction of Obed F. Alexander, David R. Gornto, Nich's. F. Nixon, David K. Futch, Edward St. George, and Joseph M. Foy, or any two of them; at Sandy Run, under the direction of David S. Saunders, Thos. Hansley, John W. Howard, Alonzo Nixon, Robert J. Howard and Charles Alexander, or any two of them, for the purpose of receiving subscriptions to an amount not exceeding fifty thousand dollars, in shares of fifty dollars each, for the purpose of effecting a communication between the town of Wilmington and some point in the eastern line of the county of New Hanover, between Holly Shelter Pocosin and the Sound; the route to be followed, and the points of communication between said places to be determined by said company, after the same shall have been formed.

Commissioners.

Sec. 2. Be *it further enacted*, That the times and places of receiving such subscriptions shall be advertised in one or more of the papers published and printed in the town of Wilmington; and the books for receiving the same shall not be closed within ten days after the opening; and said Commissioners shall have power to open books from time to time as they think proper, until the whole number of shares be subscribed.

Times and places to be advertised.

Sec. 3. Be *it further enacted*, That when the sum of ten thousand dollars shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be and they are hereby declared to be incorporated into a company, by the name and style of "The Wilmington and Topsail Sound Plank Road Company," and by that name shall be capable in law of purchasing, holding, selling, leasing, and conveying estates, real, personal and mixed, so far as may be necessary for the purposes of said company, either in constructing said road or managing the affairs of said company;

When $10,000 shall be subscribed.

and shall have perpetual succession; and by said corporate name, may sue and be sued; and may have a common seal, which they shall have power to alter and renew at pleasure, and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State, or of the United States, as shall be necessary for the well ordering and conducting the affairs of said company.

Sec. 4. Be *it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing, to the said commissioners or their agents appointed to receive such subscriptions, the sum of one dollar on every share subscribed; and the residue thereof shall be paid or secured in such manner and at such time or times as may be required by the Board of Directors of said company. Payments of stock.

Sec. 5. Be *it further enacted*, That the said commissioners or their agents, shall forthwith after the first election of a Board of Directors of the company, pay over to said Directors all moneys received by them; and on failure thereof, the said Directors may in the name of said company, recover the amount due from such commissioners, in the Court of Pleas and Quarter Sessions, or in the Superior Court of law of the county of New Hanover, or by warrant before any Justice of the Peace for said county. Commissioners to pay over.

Sec. 6. Be *it further enacted*, That when ten thousand dollars shall have been subscribed, public notice of that event shall be given by the said commissioners at Wilmington, who shall at the same time call a general meeting of the stockholders at such convenient place and time as they shall name in said notice. General meeting.

Sec. 7. *Be it further enacted*, That to constitute such meeting, a majority of the stockholders shall be present, either in person or by proxy, and if a sufficient number to Quorm.

constitute a meeting, do not attend on that day, those who attend shall have the power to adjourn from time to time until a meeting shall be formed.

Directors to be elected.

Sec. 8. *Be it further enacted*, That the subscribers, at such general meeting, and at every annual meeting thereafter, shall elect a president and eight directors, who shall continue in office until the next annual meeting of the stockholders, as aforesaid, and until their successors shall be elected. The president, with any three or more directors, or in the absence of the president, four or more directors, one of whom is the appointee of the president, as is hereinafter provided, shall constitute a board for the transaction of the general business of the company. The president shall and may designate and appoint, in writing, any one of the directors to act as president *pro tem.*, during his absence, and such appointee of the president shall have all the rights and powers of the president during the absence of the president. In case of a vacancy in the board of directors, happening from death, resignation, or otherwise, such vacancy may be supplied by the appointment by the board of any one of the stockholders, who shall act as a director until the next annual meeting of the stockholders.

Road and branches.

Sec. 9. *Be it further enacted*, That the said company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repairs and maintaining of a plank road, to be located as aforesaid, with such branches diverging from the main stem, as the stockholders, in general meeting, may authorize and cause to be made; and also to make and construct all works whatsoever, which may be necessary to the completion of said road and all its branches.

Board to contract, require payments, appoint officers, &c.

Sec. 10. *Be it further enacted*, That the said board of directors shall have power to make contracts with any person or persons, on behalf of the company for making the said plank road, together with any branches of the same, and performing all other things respecting the same, which

they shall deem necessary and proper; and to require from the subscribers, from time to time, such instalments on their stock as they may deem necessary for the purposes of the company, until the whole of their subscriptions shall be paid; to call, on any emergency, a gene al meeting of the stockholders, giving one month's notice thereof in one or more of the newspapers printed in the town of Wilmington; to appoint such officers as they may deem necessary to transact the business of the company, taking from them bond and sufficient security for the faithful discharge of their several duties, and duly accounting for all moneys coming into their hands; and generally to transact all the business of the company between the general meetings of the stockholders.

Delinquent subscribers.

Sec. 11. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the Board of Directors, or by a majority of them, within one month after the time the same shall have been advertised in one or more of the newspapers published in the town of Wilmington, it shall and may be lawful for said Board of Directors, or a majority of them, (having first notified in writing such defaulting stockholder of their intention so to do) to sell at public acution, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale in manner aforesaid, and after retaining the sum due, and all the charges of the sale, out of the proceeds thereof, to pay the surplus over to such stockholder or to his legal representatives; and if the said sale shall not produce the sum required, with all incidental charges attending such sale, then the said Board of Directors may recover the balance of the original proprietor or his assignee, or the executor or administrator, or either of them, by suit in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county of which he is a resident; and any purchaser of the stock of the company, under a sale by order

of the board of directors, shall be subject to the same rules and regulations as the original proprietors.

Valuation of lands.

Sec. 12. *Be it further enacted*, That said company, by their officers or agents, may agree with the owners of any land over which said road or any of its branches is intended to pass, for the purchase of a road way, and also for the purchase of suitable locations for their toll houses, toll gates, and other necessary buildings; the land for such road way not to exceed one hundred feet in width, and the land necessary for sites for their buildings or erections, as aforesaid, not to exceed five acres in any one parcel; and in case of disagreement with the owner of such land, or if the owner be *feme covert*, *non compos*, *under age*, or out of the State, said company, by their officers or agents, may apply to any two justices of the peace, for the county of New Hanover, who shall thereupon issue their warrant to the sheriff of said county, to summon eighteen disinterested freeholders to meet on the land to be valued, on a day to be expressed in such warrant, which shall be within twenty and not less than ten days from the issuing thereof; and the sheriff, upon receipt of any such warrant, shall summon such freeholders accordingly, and when met, he shall by lot draw twelve of them, who, after being duly sworn, shall impartially estimate the value of so much of said land as may be required for the road way, or for the site for any building or erection required by said company, as the case may be; the width of such roadway, and the land for such sites for any building or erection, to be and contain the maximum quantity of land, which said company is, by previous provisions of this section, authorized to acquire by purchase upon agreement with the owner; and after said jury has duly considered the damages sustained by the owner of said land, and assessed the same, the sheriff shall cause said inquisition to be reduced to writing and signed by the jury and countersigned by himself, and returned to the clerk of the county court to be recorded.

Sec. 13. *Be it further enacted*, That it shall and may be lawful for the said Board of Directors to demand and receive at some convenient toll gates to be by them erected, a reasonable toll from all persons using said plank road or any of its branches. Tolls.

Sec. 14. *Be it further enacted*, That the road hereby authorized to be made, shall not be less than eight nor more than thirty feet wide; and that as soon as five miles in extent shall have been constructed, it shall and may be lawful for the said Board of Directors to demand and collect such toll, from persons using said road as may be by them determined, in accordance with the rates imposed by the thirteenth section of this act, and in like proportion for a greater extent of road; and if any person or persons shall forcibly or fraudulently pass any toll gate thereon without having paid the legal toll there due, or without the consent of the toll gatherer at such gate, or if any person or persons, to avoid paying toll, shall, with his team, carriage, cart, or other vehicle, or with his horse or horses, or other beasts, with no vehicle to them attached, turn out of said road before reaching any toll gate thereon; or if any person or persons shall fraudulently use said road, between any of the places where tolls are collected thereon, or any part or portion of said road, without paying the toll due for the portion of said road so used by him, every such person or persons violating any one or more of the provisions of this section, shall, severally, if a white man or a free person of color, pay a fine of five dollars, to be recovered in the name and for the use of said company, by warrant before any justice of the peace for the county of New Hanover; and if a slave, shall receive such punishment, by whipping, as shall be adjudged by any justice of the peace, for the county of New Hanover, under a warrant, to be issued in the name of said company, against such slave: *Provided, however*, that such whipping shall in no case exceed twenty five lashes. Width. Tolls. Evasions.

Sec. 15. *Be it further enacted*, That if any person or

Injuries. persons shall wilfully or maliciously injure, or in any manner damage or obstruct, or shall wilfully or maliciously cause, aid, assist, counsel or advise any other person or persons to injure, damage or obstruct said plank road, toll gates or toll houses, or any of the property or effects of said company, such person or persons so offending shall be liable to be indicted therefor, and on conviction shall be imprisoned or fined at the discretion of the court before which said conviction shall take place.

Accounts. Sec. 16. *Be it further enacted*, That distinct accounts of the proceedings and disbursements of the board shall be made by them to the annual meeting of the stockholders: *Provided*, that if a number of stockholders, holding one fourth in amount of the capital stock of said company, shall ask of the board, in writing, a call of a general meeting of the stockholders, such meeting shall be called, and to such meeting the board shall make a report similar in all respects to the one required to be made at annual meetings.

Crossing roads. Sec. 17. Be *it further enacted*, That whenever, in the construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of the Board of Directors so to construct the said plank road across such established roads or ways, as not to impede the passage or transportation of persons or property along the same; and if, in the construction of said plank road, or any of its branches, or of any toll gate or toll house, it may become necessary or expedient to use or change any portion of any established public road or way, it may be lawful for said board of directors to change the said roads, at points where they may deem it necessary or expedient to do so; and that for entering upon or taking any land necessary therefor, they shall be and are hereby authorized to proceed, under the provisions of this act, as in case of land necessary for the plank road: *provided further*, that previous to making any such change, the said company shall make and prepare a road equally good with the road proposed to be used by

them; but nothing herein contained shall be so construed as to make it incumbent on said company to keep in repair the portion of any road which they may have changed as aforesaid.

Sec. 18. *And be it further enacted*, That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act, and be continued in force for thirty years.

[Ratified 28th January, 1851.]

CHAPTER CXXXIX.

AN ACT to incorporate the Fayetteville and Northern Plank Road Company.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to open books in the town of Fayetteville, under the direction of Hon. Robert Strange, Benjamin W. Robinson, Archibald McLean, Joel Williams, John W. Pearce, John C. Williams, Duncan G. McRae and Jesse G. Shepherd, and at such other places, and under the direction of such other persons, as the above commissioners shall direct, for the purpose of receiving subscriptions, to an amount not exceeding one hundred thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plank road, from the town of Fayetteville to the city of Raleigh, by the most practicable route, to be determined by the said company, after the same shall have been formed. Commissioners.

Sec. 2. *Be it further enacted*, That the times and places

for receiving subscriptions, shall be advertised in one or more newspapers, in the town of Fayetteville, and the books for receiving the same, shall not be closed in less than twenty days; and the said commissioners shall have power to open the said books, from time to time, until the whole number of shares be subscribed.

Times and places of subscribing.

Sec. 3. *Be it further enacted*, That when the sum of twenty thousand dollars shall be subscribed for, in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of the "Fayetteville and Northern Plank Road Company," and by that name, shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as shall be necessary for the purposes of said company; and shall have perpetual succession, and by said corporate name, may sue and be sued, and may have a common seal, which they shall have power to alter and renew at pleasure; and shall have and enjoy and may exercise all the powers, rights and privileges, which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State, as shall be necessary for the well ordering and conducting the affairs of said company.

Charter when secured.

Sec. 4. *Be it further enacted*, That when the sum of twenty thousand dollars shall have been subscribed, the commissioners shall give public notice of the same, and call a general meeting of the subscribers, at such convenient time and place, as they shall think proper, (giving at least twenty days notice) for the purpose of organising said company.

General meeting.

Sec. 5. *Be it further enacted*, That the subscribers at their general meeting before directed, and the proprietors of stock at every annual meeting thereafter, (a majority of such stockholders being present either in person or by proxy,) shall elect a president, and seven directors, who shall continue in office, (unless sooner removed) until the next annual meeting after their election, and until their successors shall be elected;

Election of Directors.

but the said president and directors, or any of them, may at any time be removed, and the vacancy thereby occasioned, be filled by a majority of the votes given at any general meeting. The president, with any three or more of the directors, or, in the event of the sickness, absence, or disability of the president, any five or more of the directors may appoint one of their own body president *pro tem.*, and shall constitute a board for the transaction of business. In cases of vacancy in the office of president or any director, happening from death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Sec. 6. *Be it further enacted*, The president and directors of said company shall be, and they are hereby invested, with all the rights and powers necessary for the construction, repair and maintaining of a plank road to be located as aforesaid, with a branch to the town of Smithfield, and such other branches as the stockholders may deem necessary; and may cause to be made, and also to make and construct all works whatsoever, which may be necessary and expedient, in order to the proper completion of the said road, and all its branches, or of any part thereof. Powers of directors.

Sec. 7. *Be it further enacted*, The said president and directors shall have power to make contracts with any person or persons, on behalf of the company, for making the said plank road, or any part thereof, and performing all things respecting the same, which they shall judge necessary and proper, and to require from the subscribers from time to time, such advances of money, on their respective shares, as the wants of the company may demand, until the whole of their subscriptions shall be paid—to call, on any emergency, a general meeting of the stockholders, and to appoint such managers and toll gatherers, as they may deem necessary, and to transact all the business of the company, during the intervals between the general meetings of the stockholders. Contracts and payments.

Sec. 8. *Be it further enacted*, That the president and directors, their officers or agents, may agree with the owners of any land, over which the said road or any of its branch- Valuation of lands.

es is intended to pass, for the purchase thereof, and in case of disagreement, or if the owner shall be *femme covert*, under age, or *non compos*, or out of the State, on application to any two justices of the peace of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county, to summon eighteen freeholders, disinterested and unconnected with the parties, to meet on the land to be valued, on a day named in the warrant, not less than ten, nor more than twenty days thereafter; and the sheriff, on receipt of the warrant, shall summon the freeholders accordingly, and when met, shall draw twelve of them, who after being duly sworn, will impartially value the land in question, and consider the damage, *if any*, the owner thereof may sustain, and the inquisition so taken shall be signed by the jury and the sheriff, and be returned to the clerk of the County Court of the said county, to be by him recorded—and in all cases, the jury are hereby directed to describe the land so valued, and such valuation shall be conclusive; and the president and directors shall pay the sum so assessed to the owner, or his legal representative, and if neither can be found in this State, or if they should refuse to receive the money, then to the Clerk of the County Court of the county in which the report of the jury is recorded, and on the payment thereof, the said corporation shall be seised in fee of the land as fully and absolutely as if it had been conveyed to them by the owners.

Sec. 9. *Be it further enacted*, That as soon as five miles in extent shall have been constructed, it shall and may be lawful for the president and directors of said company to erect toll gates, and collect such toll, from the persons using said road, or any part thereof, as may be determined by the said president and directors, and in like proportion for a greater extent of road; and if any person or persons shall use any part of said road, and shall refuse to pay the toll, or shall attempt to pass the toll gate, or any place designated for the collection of toll, or shall drive over

Tolls.

said road any wheel carriage, or animal liable to toll, without paying the same when demanded, he, she or they, shall be liable to a fine of five dollars, which fine may be recovered by a warrant before any justice of the peace of the county wherein such part of the road so used is located.

Sec. 10. *Be it further enacted*, That if any person or persons shall wilfully or maliciously injure, or in any manner damage or obstruct, or shall wilfully or maliciously cause, or aid, or assist or counsel and advise any other person or persons to injure, damage or obstruct the said plank road, toll gate, toll house or bridge, such person or persons so offending, shall be liable to pay all such damage as the said company may sustain by reason of said damage or obstruction, and the said person or persons shall be further liable to indictment, and on conviction, shall be fined or imprisoned, at the discretion of the Court before which said conviction shall take place. Penalty for injuries.

Sec. 11. *Be it further enacted*, That whenever, in the construction of said plank road, it shall be necessary to cross, intersect or use any established road or way, it shall be lawful for the president and directors to do so—first making as good a road (as the portion proposed to be used,) as near the part so taken as can conveniently be done, but nothing herein contained shall be so construed, as to make it incumbent on the company to keep in repair the portion of any road which may have been changed as aforesaid. Crossing roads.

Sec. 12. Be *it further enacted*, That if the capital stock of the company hereby incorporated shall be found at any time insufficient for the purposes of this act, it shall and may be lawful for the stockholders in general meeting, from time to time, to increase the capital stock to an amount not exceeding two hundred thousand dollars, by the addition of as many shares as they may deem necessary; and the subscribers for such additional shares of the capital stock in said company, are hereby declared to be thenceforward incorpo- Increase of capital.

rated into the said company, with all the privileges and advantages, and subject to the liabilities of the original stockholders.

Sec. 13. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the president and directors, within thirty days after the same shall have been demanded, it shall and may be lawful for the said president and directors to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, first giving ten days' notice of the time and place of sale; and if the said sale shall not produce the sum required to be advanced with all incidental charges attending the sale, then the president and directors may recover the balance of the original stockholder, his assignee, administrator or executor, by suit in any court of record, or by warrant before any justice of the peace of the county of which such stockholder is a resident; and the purchaser of any such stock shall be subject to the same rules and regulations as the original proprietor.

Delinq'nt stockholders.

Sec. 14. *Be it further enacted*, That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act, and be continued in force for fifty years.

[Ratified 28th January, 1851.]

CHAPTER CXL.

AN ACT to incorporate the Greenville and Raleigh Plank Road Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful to open books in the town of Washington, under the direction of John Myers, Joseph Potts, Benjamin F. Havins, Benjamin F. Hanks, and James E. Hoyt; and in the town of Greenville, under the direction of Goold Hoyt, Charles Greene, Dr. Edward H. Goelet, William Bernard, Sr., and Henry Bell; and in the town of Wilson, under the direction of Jonathan Rountree, John W. Farmer, Dr. Barron C. Watson; and in the city of Raleigh, under the direction of Dr. Thomas D. Hogg, W. H. Jones and James T. Marriott; and at Eagle Rock, under the direction of T. R. Debnam, W. H. Hood and Needham Price; and at such other places, and under the direction of such other persons, as the commissioners hereinbefore named to superintend the receiving of subscriptions in the town of Greenville, shall direct, for the purpose of receiving subscriptions, to an amount not exceeding two hundred and fifty thousand dollars, in shares of twenty five dollars each, for the purpose of effecting a communication, by means of a plank road, from within the corporate limits of the town of Greenville, in the county of Pitt, to the city of Raleigh, by the most practicable route, to be determined by the said company after the same shall have been formed. Commissioners &c.

Sec. 2. *Be it further enacted*, That the times and places for receiving subscriptions shall be advertised in one or more newspapers printed in the towns of Raleigh, Washington, Tarboro', and Goldsboro'; and the books for receiving the same shall not be closed in less than thirty days, and the said commissioners shall have power, from time to time, to open the books as they may think proper, until the whole number of shares be subscribed. Times and places of sub'n.

Amount to secure charter.

Sec. 3. *Be it further enacted*, That when the sum of twenty five thousand dollars shall be subscribed for, in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of "The Greenville and Raleigh Plank Road Company;" and by that name shall be capable, in law, of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as shall be necessary for the purposes of said company, and shall have perpetual succession; and, by said corporate name, may sue and be sued; and may have a common seal, which they shall have power to alter and renew at pleasure: and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting the affairs of said company.

Payment when subscribing, &c.

Sec. 4. *Be it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid, at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscription, the sum of two dollars on every share subscribed, and the residue thereof shall be paid in such instalments, and at such times as may be required by the President and Directors of said company.

Commissioners to pay over.

Sec. 5. *Be it further enacted*, That the said commissioners, or their agents, shall further, after the first election of President and Directors of the company, pay over to the President and Directors all monies received by them; and on failure thereof, the said President and Directors may recover the amount due from them, or from any one or more of them, by legal process, in the court of pleas and quarter sessions, or the superior court of law, in any county wherein such commissioner or commissioners, their executors or administrators may reside, or by warrant before a justice of the peace for said county.

Sec. 6. *Be it further enacted*, That when twenty-five thousand dollars shall have been subscribed, public notice of that event shall be given by the said commissioners at Washington, who shall have power, at the same time, to call a general meeting of the stockholders, to be held at Greenville, at such time as they shall name in said notice. General meeting.

Sec. 7. *Be it further enacted*, That to constitute any such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who attend shall have power to adjourn, from time to time, until a meeting shall be formed. Quorum.

Sec. 8. *Be it further enacted*, That the subscribers, at their general meeting before directed, and the proprietors of stock at every annual meeting thereafter, shall elect a President and nine directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said President and Directors, or any of them, may at any time be removed, and the vacancy there occasioned be filled by a majority of the votes given at any general meeting. The President, with any three or more of the directors, or, in the event of the sickness, and absence, or disability of the President, any five or more of the directors may appoint one of their own body President *pro tem.*, and shall constitute a board for the transaction of business. In cases of vacancy in the office of President, or any director, happening from death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting. And it shall be the duty of the President and Directors to call a general meeting at the request of the owners of one fourth of the shares subscribed. Election of directors, &c.

Sec. 9. *Be it further enacted*, That the President and Directors of said company shall be, and they are hereby in-

vested with all the rights and powers necessary for the construction, repairs and maintaining of a plank road, to be located as aforesaid, with as many branches diverging from the main stem as they, or a majority of them, may deem necessary; and may cause to be made, and also to make and construct all works whatsoever, which may be necessary and expedient, in order to the proper completion of the said road and all its branches.

Rights and powers of directors.

Sec. 10. *Be it further enacted*, That the said president and directors shall have power to make contracts with any person or persons, on behalf of the company, for making the said plank road, together with any branches of the same, and performing all other things respecting the same, which they shall judge necessary and proper; and to require from the subscribers, from time to time, such advances of money on their respective Shares, as the wants of the company may demand, until the whole of their subscriptions shall be advanced; to call, on any emergency, a general meeting of the stockholders, giving one month's notice thereof, in one of the newspapers printed in each of the towns of Raleigh, Washington, Tarboro' and Goldsboro'; to appoint a Treasurer from among the Stockholders, (but not of their own body,) who shall give bond and security for the faithful discharge of his duty, and duly accounting for all the money which may come into his hands, as Treasurer; to appoint a clerk and such managers and toll gatherers, as they may deem necessary, and to transact all the business of the company during the intervals between the general meetings of the stockholders.

Contracts, appointment of officers, &c.

Sec. 11. *Be it further enacted*, That if any stockholder, shall fail to pay the sum required of him by the President and Directors, or by a majority of them, within one month after the same shall have been advertised, in one of the newspapers in each of the towns named in the preceding Section, it shall and may be lawful for the President and Di-

Delinquents.

rectors, or a majority of them, to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholders, so failing or refusing, giving one month's previous notice of the time and place of sale in manner aforesaid; and, after retaining the sum due and all the charges of the sale, out of the proceeds thereof, to pay the surplus over to the former owner, or to his legal representatives. And if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, then the President and Directors may recover the balance of the original proprietor or his assignee, or the executor or administrator, or either of them, by suit, in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county of which he is a resident; and any purchaser of the stock of the company, under the sale by the President and Directors, shall be subject to the same rules and regulations as the original proprietors.

Sec. 12. *Be it further enacted*, That if the capital Stock of the company hereby incorporated shall be found insufficient for the purposes of this act, it shall and may be lawful for the President and Directors of the said company, or a majority of them, from time to time, to increase the capital stock to an amount not exceeding three hundred thousand dollars, by the addition of as many shares as they may deem necessary, first giving the individual stockholders for the time being, or their legal representatives, the option of taking such additional shares in proportion to the amount of stock respectively held by them, and opening books in the places mentioned in the first section of this act, and at such other places as the President and Directors may think proper for any balance of the capital stock created, which may not be taken by the stockholders for the time being or in their behalf; and the subscribers for such additional shares of the capital stock in the said company, are hereby declared to be thenceforward incorporated into the said company,

Increase of capital

with all the privileges and advantages, and subject to all the liabilities of the original stockholders.

Valuation of lands.

Sec. 13. *Be it further enacted*, That the President and Directors, their officers or agents, may agree with the owners of any land over which the said road or any of its branches is intended to pass, for the purchase thereof; and in case of disagreement, or if the owners shall be *feme covert*, *under age* or *non compos*, or out of the State, on application to any two justices of the peace of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county to summon eighteen freeholders to meet on the land to be valued, on a day expressed in the said warrant, not less than ten, nor more than twenty days thereafter; and the sheriff, upon the receipt of the warrant, shall summon the freeholders accordingly, and, when met, shall draw twelve of them, who, after being duly sworn, will impartially value the land in question, and consider the damages the owners thereof may sustain, and the inquisition so taken shall be signed by the sheriff and the jury, and returned to the Clerk of the County Court, to be recorded; and, in all cases, the jury is hereby directed to describe the land valued, and such valuation to be conclusive; and the President and Directors shall pay the sum to the owner of the land valued or his legal representatives; and if neither can be found in this State, or if they should refuse to receive the money, then to the Clerk of the County Court; and on payment thereof, the said corporation shall be seized in fee of the land as fully and absolutely as if it had been conveyed to them by the owner.

Land for toll houses &c.

Sec. 14. *Be it further enacted*, That the President and Directors may agree with the proprietor or proprietors for any quantity of land, not exceeding five acres at or near each place or station intended for collecting tolls, for the purpose of erecting the necessary buildings, gates, &c.; and in case of disagreement or of any disabilities aforesaid, or

the owner or owners being out of the State, the same proceedings may be had, and the same conveyances shall follow, as are prescribed in the preceding section.

Sec. 15. *Be it further enacted*, That it shall and may be lawful for the said President and Directors to demand and receive, at some convenient toll gates to be by them erected, a reasonable toll from all persons using said plank road or any of its branches, which toll so to be collected, shall be so regulated that the profits shall not exceed 25 per cent. on the capital of said company in any one year. Tolls.

Sec. 16. *Be it further enacted*, That the said road hereby authorized to be made by the President and Directors, shall not be less than ten, nor more than thirty feet wide. And that as soon as five miles in extent shall have been constructed, it shall and may be lawful for the President and Directors of said company to erect a toll gate, and collect such toll from persons using said road or any of its branches, as may be determined upon by the President and Directors, in accordance with the rates imposed by the fifteenth section of this act, and in like proportion for a greater extent of road; and if any person or persons shall refuse to pay the toll at the time of offering to pass the place or places designated for their collection, and previous to passing the same, the toll gatherers respectively may refuse a passage to the person or persons so refusing to pay, and if any person or persons shall fraudulently pass or drive through, or pass or drive around said place any wheeled carriage or animal liable to toll, without paying the same, he or they shall be liable to a fine of five dollars, which fine may be recovered by warrant, before any Justice of the Peace of the county wherein such toll gate may be situated. Width of road and tolls.

Sec. 17. *Be it further enacted*, That if any person or persons shall wilfully or maliciously injure, or in any manner damage or obstruct, or shall wilfully or maliciously cause, or aid, or assist, or counsel and advise any other person or persons to injure, damage or obstruct the said plank road, toll Penalty for injuries.

gates or toll houses, such person or persons so offending, shall be liable to be indicted therefor, and on conviction shall be imprisoned or fined at the discretion of the Court before which said conviction shall take place.

Sec. 18. *Be it further enacted*, That the President and Directors shall render distinct accounts of their proceedings and disbursements of money to the annual meeting of the stockholders.

Crossing roads.

Sec. 19. *Be it further enacted*, That whenever, in the construction of said plank road, it shall be necessary to cross or intersect any established road or way, it shall be the duty of the President and Directors so to construct the said plank road across such established roads or ways, as not to impede the passage or transportation of persons or property along the same. And if, in the construction of said plank road, it may become necessary or expedient to occupy or use any portion of any established public road or way, it may be lawful for the President and Directors to change the same roads at points where they may deem it necessary so to do; and that for entering upon or taking any land that may be necessary therefor, they shall be, and are hereby authorized to proceed, under the provisions of this act, as in case of land necessary for the plank road: *Provided further*, that previous to the making any such change, the said company shall make and prepare a road equally good with the portion of the road proposed to be substituted; but nothing herein contained shall be so construed as to make it incumbent on the company to keep in repair the portion of any road which they may have changed as aforesaid.

Elections.

Sec. 20. *Be it further enacted*, That the election of Directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of said company, and the person having a majority of all the votes poled shall be considered duly elected.

Sec. 21. *Be it further enacted*, That this act shall be

in force from and after the ratification thereof, and shall be regarded as a public act and continue in force for fifty years.

[Ratified 23d December, 1850.

CHAPTER CXLI.

AN ACT to incorporate the Concord and Taylorsville Plank Road Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful to open books in the town of Concord, under the direction of Caleb Phifer, Jacob Winecoff, R. W. Alison, A. H. Moss, John C. Wallace, K. P. Harris, Daniel Coleman and R. W. Ford; at Mill Grove, in the county of Cabarrus, under the direction of Dr. Charles W. Harriss, E. R. Harriss, William S. Harriss and William Allen, or any two of them; at Mill Hill, in said county, under the direction of Jacob Stirewall, Jr., George S. Houston, Dr. W. W. Rankin and J. C. Young, or any two of them; at Davidson College, in the county of Mecklenburg, under the direction of Andrew Springs, Alfred D. Kerr, Lawson Torrence and William Knox, or any two of them; at Mount Mourne, in the county of Iredell, under the direction of Rufus Reid, Jessee D. Burkhead, William Moor, William Emerson and James Sloan, or any two of them; at Statesville, under the direction of John Davidson, J. H. Alexander, William Grant, Jacob Parker and John Kerr, or any two of them; at Taylorsville, under the direction of Thomas S. Boyd, William G. James, A. M. Bo- Commissioners, &c.

gle, James P. McIntosh and Dr. N. Norton, or any two of them; and at such other places, and under the directions of such other persons, as the commissioners herein before named to receive subscriptions in the town of Concord shall direct, for the purpose of receiving subscriptions to an amount not exceeding one hundred thousand dollars, in shares or fifty dollars each, for the purpose of effecting a communication between the town of Concord, in the county of Cabarrus, and the town of Taylorsville, in the county of Alexander, by means of a plank road, the route and points of effecting this communication to be determined by the company after the same shall have been formed.

Notice, &c

Sec. 2. *Be it further enacted*, That the times and places for receiving subscriptions shall be advertised in one or more newspapers published in the town of Concord, Charlotte or Salisbury; and the books for receiving the same shall not be closed within ten days after the opening, and the commissioners shall have power to open books from time to time as they may think proper, until the whole number of shares be taken.

Corporate powers.

Sec. 3. *Be it further enacted*, That when the sum of ten thousand dollars shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of "*The Concord* and *Taylorsville Plank Road Company*;" and, by that name, shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as may be necessary for the purposes of said company, either in constructing or managing the affairs of said company; and shall have perpetual succession; and by such corporate name may sue and be sued, and may have and use a common seal, which they shall have power to alter and renew at pleasure; and shall have and enjoy, and may exercise all powers, rights and privileges, lawfully pertaining to other corporate bodies, for the purposes mentioned in this act; and

make all such by-laws, rules and regulations, not inconsistent with the constitution and laws of this State or of the United States, as shall be necessary for the well ordering and conducting the affairs of said company.

Sec. 4. *Be it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscriptions, the sum of one dollar on every share subscribed; and the residue thereof shall be paid or secured in such manner, and at such time or times, as may be required by the board of directors of said company. Payments

Sec. 5. *Be it further enacted*, That the said commissioners, or their agents, shall forthwith, after the first election of the board of directors of the company, pay over to the directors all monies received by them; and on failure thereof, the said directors may recover the amount due from them, by legal process, in the court of pleas and quarter sessions, or in the superior court of law, in any county wherein such commissioner or commissioners may reside, or by warrant before any justice of the peace for said county. Commissioners to pay over.

Sec. 6. *Be it further enacted*, That when ten thousand dollars shall have been subscribed, public notice of that event shall be given by the said commissioners at Concord, who shall at the same time call a general meeting of the stockholders at such convenient place and time as they shall name in said notice. General meeting.

Sec. 7. *Be it further enacted*, That to constitute any such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present either in person or by proxy; and if a sufficient number do not attend to constitute a meeting on that day, those who do attend, shall have power to adjourn from time to time, until a meeting shall be formed. Quorum.

Sec. 8. *Be it further enacted*, That the subsribers, at their general meeting before directed, and the proprietors of

stock at every meeting thereafter, shall elect nine directors, and the directors, when appointed, shall choose one of their number president, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said directors, or any of them, may, at any time, be removed, and the vacancy thereby occasioned be filled by a majority of votes given at any general meeting; the President, with any three or more directors, shall constitute a board to transact business, or, in the event of sickness, absence or disability of the President, any four or more of the directors may appoint one of their number president *pro tempore*, who, together with said directors, shall constitute a board for the transaction of business. In cases of vacancy in the board of directors, happening from death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Election of Directors.

Sec. 9. *Be it further enacted*, That the board of directors of said company, shall be, and they are hereby invested with all the rights and powers necessary for the construction, repairs and maintaining of a plank road, to be located as aforesaid, with as many branches *diverging* from the main stem, as they or a majority of them may deem necessary; and may cause to be made, and also to make and construct all works whatsoever, which may be necessary to the completion of said road and all its branches.

Road and branches.

Sec. 10. *Be it further enacted*, That the said board of directors shall have power to make contracts with any person or persons, on behalf of the company, for making the said plank road, together with any branches of the same, and performing all other things respecting the same which they shall judge necessary and proper; and to require from the subscribers, from time to time, such advances of money, on their subscriptive shares, as the wants of the company may demand, until the whole of their subscription shall be advanced; to call, on any emergency, a general meeting of

Powers & duties of directors.

the stockholders, giving one month's notice thereof in one of the papers published in the town of Charlotte, Concord or Salisbury; to appoint such officers as they may deem necessary to transact the business of the company, taking from them bond and security for the faithful discharge of their several duties, and duly accounting for all monies coming into their hands; to appoint such superintendents, managers and toll gatherers as may be necessary; and generally to transact all the business of the company between the meetings of the stockholders.

Sec. 11. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the board of directors, or by a majority of them, within one month after the time the same shall have been advertised in one or more of the papers published in the town of Concord, Charlotte or Salisbury, it shall and may be lawful for said board of directors, or a majority of them, to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving one month's notice of the time and place of sale, in manner aforesaid; and, after retaining the sum due and all the charges of the sale out of the proceeds thereof, to pay the surplus over to the owner or to his legal representatives; and if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, then the said board of directors may recover the balance of the original proprietor, or of his assignee or the executor or administrator of either of them, by suit, in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county of which he is a resident; and any purchaser of the stock of the company, under a sale by order of the board of directors, shall be subject to the same rules and regulations as the original proprietors. Delinquents.

Sec. 12. *Be it further enacted*, That if the capital stock of the company hereby incorporated shall be found insuffi-

Increase of capital.

cient for the purposes of this act, it shall and may be lawful for the board of directors of the said company, or a majority of them, to increase from time to time the capital stock to an amount, not exceeding two hundred thousand dollars, by the addition of as many shares as they may deem necessary, by opening books in the town of Concord, and such other place, and in such manner, as they may deem necessary and prudent; and the subscribers for such additional shares of the capital stock of said company, are hereby declared to be thenceforward incorporated into the said company, with all the privileges and advantages, and subject to all the liabilities of the original stockholders.

Valuation of land.

Sec. 13. *Be it further enacted*, That the said board of directors, their officers or agents, may agree with the the owners of any lands over which said road, or any of its branches are intended to pass, for the purchase thereof; and in case of disagreement, or if the owners shall be *feme covert*, under age, *non compos*, or out of the State, on application to any two justices of the peace of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county, to summon eighteen freeholders to meet on the land to be valued, on a day expressed in said warrant, not less than ten, nor more than twenty days thereafter; and the sheriff, on the receipt of the warrant, shall summon the freeholders accordingly, and, when met, shall draw twelve of them, who, after being duly sworn, will impartially value the land in question, and consider the damages the owner thereof may sustain; and the inquisition so taken, shall be signed by the jury and countersigned by the sheriff, and returned to the clerk of the County court, to be recorded; and, in all cases, the jury is hereby directed to describe the land valued; and such valuation shall be conclusive; and the said directors shall pay the sum to the owner of the land valued or his legal representative, and if neither can be found in this State, or if they refuse to receive the money,

thereof to the clerk of the county court, and, on payment thereof, the said corporation shall be seized in fee of the land as fully and as absolutely as if it had been conveyed to them by the owner.

Land for toll-houses.

Sec. 14. *Be it further enacted*, That the said board of directors, or their agents, may agree with the proprietor or proprietors for any quantity of land they may deem necessary for their purposes, at or near each place or station intended for collection of tolls, for the purpose of erecting the necessary buildings, gates, &c.; and in case of disagreement, or of any disability as aforesaid, or the owner or owners being out of the State, the [same] proceedings may be had, and the same conveyance shall follow, as are described in the preceding section: *Provided*, that in case of disagreement, not more than two acres of land shall be condemned to the use of said company at any one station.

Tolls.

Sec. 15. *Be it further enacted*, That it shall and may be lawful for the said Board of Directors to demand and receive, at convenient toll gates to be by them erected, a reasonable toll from all persons using said Plank road, or any of its branches: *Provided*, that the net profits on said road shall not for any one year exceed the sum of twenty-five per cent. on the capital stock of the same.

Width of road, &c.

Sec. 16. *Be it further enacted*, That the road hereby authorized to be made, shall not be less than eight, nor more than sixty-six feet wide; and that as soon as five miles in extent shall have been constructed, it shall and may be lawful for the said Board of Directors to demand and collect such tolls from persons using said road as may be by them determined, in accordance with the rates imposed by the fifteenth section of this act, and in like proportion for a greater extent of road; and if any person or persons shall refuse to pay the toll, at the time of offering to pass the place or places designated for the collection of tolls, and previous to passing the same, the toll-gatherers re-pec-

tively may refuse a passage to the person or persons refusing to pay; and if any person or persons shall, with fraudulent intent and purpose, pass or drive through, or pass or drive around said place or places, any wheel carriage or animal liable to pay toll, without paying the same, he or they shall be liable to pay a fine of five dollars, which fine may be recovered, by warrant, before any justice of the peace of the county wherein such toll gate or point of collection may be situated; and if any person or persons shall drive on or use any part of said road, between the points designated for the collection of tolls, without paying the amount for which he or they may be liable, it shall be held that he or they are fraudulently using the same, and he, she or they shall be liable to pay a fine of five dollars, which may be recovered by warrant, as herein before prescribed.

Penalty.

Sec. 17. *Be it further enacted*, That if any person or persons shall wilfully or maliciously injure, or in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause, aid, assist, counsel or advise any other person or or persons to injure, hurt, damage or obstruct the said Plank road, toll gates or toll houses, or any of the property or effects of said company, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be imprisoned or fined at the discretion of the court before which said conviction shall take place.

Accounts.

Sec. 18. *Be it further enacted*, That distinct accounts of the proceedings and disbursements of the board shall be made by them to the annual meeting of the stockholders: *Provided*, that if a number of stockholders holding one fourth in amount of the capital stock of said company shall ask of the board in writing a call of a general meeting of the stockholders, such meeting shall be called; and to such meeting the board shall make a report similar in all respects to the one required to be made at annual meetings.

Sec. 19. *Be it further enacted*, That whenever, in the

construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of the Board of Directors so to construct the said plank road across such established roads or ways as not to impede the passage or transportation of persons or property along the same. And if, in the construction of said plank road, or any of its branches, or of any toll gate or toll house, it may become necessary or expedient to use or change any portion of any established public road or way, it may be lawful for the said board of Directors to change the said roads, at points where they may deem it necessary or expedient to do so; and that for entering upon, or taking any land necessary therefor, they shall be and are hereby authorized to proceed, under the provisions of this act, as in case of land necessary for the plank road: *Provided*, that previous to making any such change, the said company shall make and prepare a road equally good with the road proposed to be substituted; but nothing herein contained shall be so construed as to make it incumbent on said company to keep in repair the portion of any road which they may have changed as aforesaid.

Crossing roads.

Sec. 20. *Be it further enacted*, That should a plank, McAdamized or turnpike road be constructed, from either the town of Charlotte or Salisbury, or from both, to Taylorsville, it may be lawful for the Concord and Taylorsville Plank Road Company to connect their road with either or both of the aforesaid plank, McAdamized or turnpike roads, by intersecting the same at such points as they may deem expedient.

Intersecting.

Sec. 21. *Be it further enacted*, That if said company, after its organization, should deem it expedient, instead of a plank road as herein provided, to make and construct a McAdamized or turnpike road between the said towns of Concord and Taylorsville as aforesaid, nothing herein contained shall be so construed as to prevent said company using the powers, rights and privileges granted in this charter for the purpose of constructing such McAdamized or

McAdamized or Turnpike road

turnpike road over the whole, or any part of the line of the proposed plank road.

Sec. 22. *Be it further enacted*, That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act, and be continued in force for thirty years.

[Ratified 28th of January, A. D. 1851.]

CHAPTER CXLII.

AN ACT to incorporate the Anson Plank Road Company.

Commissioners, capital, and location.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That it shall be lawful to open books of subscription in the town of Wadesborough, under the direction of Walter. R. Leak, Absalom Myers, Hampton B. Hammond, George W. Little, Doc. Walter G. Jones, Thomas S. Ashe, William P. Kendal, Ebin Nelms and Purdie Richardson, or a majority of them; and at such other places in the county of Anson, and under the direction of such other persons, as the commissioners herein before named to superintend the receiving of subscriptions, in the town of Wadesborough, shall direct, for the purpose of receiving subscription, to an amount not exceeding seventy five thousand dollars, in shares of fifty dollars each, for the purpose of constructing a plank road from the State line at or near Wright's Foley, in the county of Anson, running through or near the town of Wadesboro', to some point on Rocky River, the precise route and points of said road to be determined by the said company after the same shall have been formed.

Sec. 2. Be *it further enacted*, That the times and places

of receiving such subscriptions shall be advertised in the North Carolina Argus, a paper published in the town of Wadesboro', or in some other newspaper published in the State; and the books for receiving the same shall not be closed within ten days after the opening; and said commissioners shall have power to open books, from time to time, as they think proper, until the whole number of shares be subscribed. Notice of opening books &c.

Sec. 3. Be *it further enacted*, That when the sum of ten thousand dollars shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators or assigns shall be, and are hereby declared to be incorporated into a company by the name and style of "the Anson Plank Road Company;" and by that name shall be capable, in law, of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as may be necessary for the purpose of said company, either in constructing or managing the affairs of said company; and shall have perpetual succession, and by said corporate name, may sue and be sued, and may have a common seal, which they shall have power to alter or renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in the act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting the affairs of said company. Coporate powers.

Sec. 4. *Be it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscriptions, the sum of one dollar on every share subscribed; and the residue thereof shall be paid or secured in such manner, and at such time or times as may be required by the Board of Directors of said company. Payments.

Sec. 5. Be *it further enacted*, That the said commissioners or

their agents, shall forthwith, after the first election of the Board of Directors of the company, pay over to the said directors all monies received by them; and on failure thereof, the said directors may recover the amount due from them, by legal process, in the Court of Pleas and Quarter Sessions, or in the Superior Court of law in any county wherein such commissioner or commissioners may reside, or by warrant before any Justice of the Peace for said county.

Commissioners to pay over.

Sec. 6. *Be it further enacted*, That when ten thousand dollars shall have been subscribed, public notice of that event shall be given by the said commissioners at Wadesboro', who shall, at the same time, call a general meeting of the stockholders at such convenient place and time as they shall name in said notice.

General meeting.

Sec. 7. *Be it further enacted*, That to constitute any such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who attend shall have the power to adjourn from time to time until a meeting shall be formed.

Quorum.

Sec. 8. *Be it further enacted*, That the subscribers, at the general meeting before directed, and the proprietors of stock at every annual meeting thereafter, shall elect nine directors, and the directors, when appointed, shall chose one of their number president, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said directors, or any of them, may at any time be removed, and the vacancy thereby occasioned be filled by a majority of votes given at any general meeting; the president with any three or more directors, or in the event of sickness, absence or disability of the president, any four or more of the directors may appoint one of their number president *pro tem.*, who shall constitute a board for the transaction of business. In cases of vacancy of the Board of Directors, happening from

Election of Directors.

death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Sec. 9. *Be it further enacted*, That the Board of Directors of said company shall be, and are hereby invested with all the rights and powers necessary for the constructing, repairs and maintaining of a plank road, to be located as aforesaid, with as many branches divergeing from the main stem as they, or a majority of them, may deem necessary; and may cause to be made and also to make and construct all works whatsoever which may be necessary to the completion of said road and all its branches. Powers of board.

Sec. 10. *Be it further enacted*, That the said Board of Directors shall have power to make contracts with any person or persons, on behalf of the company, for making said plank road, together with any branches of the same, and perform all other things respecting the same, which they shall judge necessary and proper; and to require from the subscribers, from time to time, such advances of money, on their respective shares, as the wants of the company may demand, until the whole of their subscription shall be advanced; to call, on any emergency, a general meeting of the stockholders, giving one month's notice thereof; to appoint such officers as they may deem necessary to transact the business of the company, taking from them bond and security for the faithful discharge of their several duties and duly accounting for all monies coming into their hands; to appoint such superintendent, managers and toll gatherers as may be necessary; and generally to transact all the business of the company between the general meetings of the stockholders. Further powers and duties.

Sec. 11. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the Board of Directors, or by a majority of them, within one month after the same shall have been advertised in the North Carolina Argus, or some other paper published in the State, it shall

and may be lawful for said Board of Directors, or a majority of them, to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale, in manner aforesaid; and, after retaining the sum due and all the charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner or to his legal representative; and if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, the said Board of Directors may recover the balance of the original proprietor or his assignee, or the executor or administrator of either of them, by suit, in any court of record having jurisdiction thereof, or by warrant before any Justice of the Peace of the county of which he is a resident; and any purchaser of the stock of the company, under a sale by order of the Board of Directors, shall be subject to the same rules and regulations as the original proprietors.

Delinquents.

Sec. 12. *Be it further enacted*, That the said Board of Directors, their officers or agents, may agree with the owners of any land over which said road or any of its branches is intended to pass, for the purchase thereof; and in case of disagreement, or if the owner shall be *feme covert*, under age, *non compos*, or out of the State, on application to any two Justices of the Peace of the county where the lands lie, the Justices shall issue their warrant to the sheriff of said county, to summon eighteen freeholders to meet on the land to be valued, on a day expressed in the said warrant, not less than ten, nor more than twenty days thereafter; and the sheriff, on the receipt of the warrant, shall summon the freeholders accordingly, and when met, shall draw twelve of them, who, after being duly sworn, will impartially value the land in question, and consider the damages the owner thereof may sustain; and the inquisition so taken shall be signed by the jury and countersigned by the sheriff, and returned to the Clerk of the County Court, to be recorded; and in all cases,

Valuation of land.

the jury is hereby directed to describe the land valued, and such valuation shall be conclusive; and the said directors shall pay the same to the owner of the land valued, or his legal representative, and if neither can be found in this State, or if they refuse to receive the money, then to the Clerk of the County Court; and on payment thereof, the said corporation shall be seized in fee of the land as fully and as absolutely as if it had been conveyed to them by the owner: *Provided, nevertheless*, that the dwelling house, kitchen, yard or garden of no person shall be invaded or any part thereof appropriated to the use of said corporation, without the consent of the owner.

Notice, sheriff to give.

Sec. 13. *Be it further enacted*, That it shall be the duty of the sheriff to give at least five days notice in writing to the parties interested, of the time and place of the meeting of the jurors to assess damages as aforesaid; and that for such notice, he shall be allowed a fee of seventy five cents.

Costs.

Sec. 14. Be *it further enacted*, That all the costs incident to the condemnation of the land and the assessment of damages, shall be paid by the corporation; and the two Justices who may issue the warrant to the sheriff, or any other two Justices of the county, after the inquisition is signed by the jury and countersigned by the sheriff, shall have power to render judgment and issue execution for said cost.

Land for toll houses, &c.

Sec. 15. *Be it further enacted*, That said Board of Directors, or their agents, may agree with the proprietor or proprietors for any quantity of land they may deem necessary for their purposes, at or near each place or station intended for the collection of tolls, for the purpose of erecting the necessary buildings, gates, &c.; and in case of disagreement, or of any disability as aforesaid, or the owner or owners being out of the State, the same proceedings may be had, and the same conveyance shall follow, as are described in the twelfth section: *Provided*, that in case of disagreement, not more than

two acres of land shall be condemned to the use of said company at any one station.

Sec. 16. Be *it further enacted*, That it shall and may be lawful for the said Board of Directors to demand and receive, at some convenient toll gates to be by them erected, a reasonable toll from all persons using said plank road or any of its branches, which toll so to be collected, shall be so regulated that the profits shall not exceed twenty per cent. on the capital of said company in any one year.

Tolls.

Sec. 17. *Be it further enacted*, That the road hereby authorized shall not be less than eight nor more than sixty six feet wide; and that as soon as five miles in extent shall have been constructed, it shall and may be lawful for the said Board of Directors to demand and collect such toll from persons using said road, as may be by them determined in accordance with the rates imposed by the ——— section of this act, and in like proportion for a greater extent of road; and if any person or persons shall refuse to pay the toll at the time of offering to pass the place or places designated for the collection of tolls, and previous to passing the same, the toll gatherers respectively may refuse a passage to the person or persons refusing to pay; and if any person or persons shall pass or drive through, or pass or drive around said place, any wheel carriage or animal liable to toll, without paying the same, he or they shall be liable to pay a fine of five dollars, which fine may be recovered, by warrant, before any justice of the peace of the county wherein such toll gate or point of collection is situated. And if any person or persons shall drive on or use any part of said road, between the points designated for the collection of tolls, without paying the amount for which he or they may be liable, it shall be held that he or they are fraudulently using the same, and he, she, or they shall be liable to pay a fine of five dollars, which may be recovered by warrant as hereinbefore prescribed.

Width—when toll to begin, penalty for evasion, &c.

Sec. 18. *Be it further enacted*, That if any person or persons shall wilfully or maliciously, or in any manner hurt,

damage or obstruct, or shall wilfully or maliciously cause, aid or assist, counsel or advise any other person or persons to injure, hurt, damage or obstruct, the said plank road, toll gates, or toll houses, or any other property or effects of said company, such person or persons so offending shall be liable to be indicted therefor, and, on conviction, shall be imprisoned or fined at the discretion of the court before which said conviction shall take place.

Sec. 19. *Be it further enacted*, That distinct accounts of the proceedings and disbursements of the board shall be made by them to the annual meeting of the stockholders: *Provided*, that if a number of stockholders holding one fourth in amount of the capital stock of said company shall ask of the board in writing a call of a general meeting of the stockholders, such meeting shall be called, and to such meeting the board shall make a report similar in all respects to the one required to be made at annual meetings. Accounts.

Sec. 20. *Be it further enacted*, That whenever, in the construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of the Board of Directors so to construct the said plank road across such established roads or ways, as not to impede the passage or transportation of persons or property along the same; and if, in the construction of said plank road, or any of its branches, or of any toll gate or toll house, it may become necessary or expedient to use or change any portion of any established public road or way, it may be lawful for said board of directors to change the said roads, at points where they may deem it necessary or expedient to do so; and that for entering upon or taking any land necessary therefor, they shall be and are hereby authorized to proceed, under the provisions of this act, as in case of land necessary for the plank road: *provided further*, that previous to making any such change, the said company shall make and prepare a road equally good with the road proposed to be substituted; but nothing herein contained shall be so construed as Crossing roads.

to make it incumbent on said company to keep in repair the portion of any road which they may have changed as aforesaid.

Sec. 21. *Be it further enacted*, That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act, and be continued in force for thirty years.

[Ratified 28th January, 1851.]

CHAPTER CXLIII.

AN ACT to incorporate the Salisbury and Taylorsville Plank Road Company.

Commissioners.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Wm. Murphy, D. A. Davis, Jeel H. Jenkins, Mathias Boger, Michael Brown, John J. Shaver, Joseph F. Chambers, Thomas H. McRorie, Joseph W. Stockston, Samuel Bell, Joseph F. Alexander, Quincy Sharp, Thomas A. Alison, John Davidson, William G. James, Thomas S. Boyd, Alfred Carson, A. C. McIntosh, Azel Sharp, Robert C. Wilson, E. C. Harrington, William Lenore, C. W. Clark, James Harper, John Hays, Calvin Jones, Ezra Shell, Samuel F. Patterson, together with such persons as now are, or

Powers.

may hereafter be associated with them, their successors or assigns, be, and they are hereby created a corporation and body politic, by the name and style of "The Salisbury and Taylorsville Plank Road Company;" and, by that name and style, may acquire and hold, possess and transfer such real,

personal and mixed estates, so far as may be necessary for the purpose of constructing the road herein authorized to be made, or of managing the affairs of said company, and shall have perpetual succession and a common seal, which they shall have power to alter or renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purpose mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the U. States, as shall be necessary for the well ordering and conducting of the affairs of the company; and by said name may sue and be sued, plead and be impleaded in any of the courts of this State.

Capital, &c.

Sec. 2. *Be it further enacted*, That the capital of said company shall not exceed the sum of two hundred thousand dollars, in shares of twenty-five dollars each; the payment or securing of the stock of said company to be made under such rules and regulations as may be prescribed by the Board of Directors hereinafter provided for. The said company shall have power to construct a plank road from the town of Salisbury, *via* Statesville, to the town of Taylorsville, by the most practical route, to be determined by said company, whenever the sum of ten thousand dollars shall be subscribed to the capital stock of said company.

Location of road.

General meeting.

Sec. 3. *Be it further enacted*, That after ten thousand dollars amount of stock shall have been subscribed to the capital stock of said company, it shall be in the power of the members of said company, or any portion of them who may have subscribed the sum of three thousand dollars, to call a general meeting of the stockholders, at such time and place as may be deemed convenient for holding the same, by giving public notice in one or more of the papers published in the town of Salisbury, and by advertising at the court-house and two or more public places in the county of Iredell; at the court-house and two or more public places in the county of Alexander; at the court-house and two or more public places

in the county of Caldwell: that to constitute any such meeting, a number of shares entitled to a majority of votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend, shall have the power to adjourn from time to time until a meeting shall be formed.

Sec. 4. Be *it further enacted*, That the subscribers to the stock of said company, at their meeting hereinbefore directed to be called, and the stockholders, at every annual meeting thereafter, shall elect five directors; and Directors. the directors, when appointed, shall choose one of their number President, who shall continue in office (unless sooner removed) until the next annual meeting after their election, and until their successors shall be elected. But the said directors, or any of them, may, at any time, be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting: the President, with any three or more of the directors, who may appoint one of their number President *pro tempore*, shall constitute a board for the transaction of business. In cases of vacancy, from death, resignation, or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Sec. 5. *Be it further enacted*, That the Board of Directors of said company shall be, and they are hereby invested with Rights of directors. all the rights and powers necessary for the construction and repairs of the plank road herein authorized to be made, and also to make, purchase and construct all such mills and other works as may be necessary for the construction and well ordering of said road.

Sec. 6. *Be it further enacted*, That the said board of Directors shall have power to make contracts, with any person or persons, on behalf of the company, for the construction of said road and of performing all other things respecting the

same, which they shall judge necessary and proper, and to require from the stockholders, from time to time, such advances of money on their respective shares, as the wants of the company may [demand] until the whole of their subscription shall be paid in; to call, on any emergency, a general meeting of the stockholders, giving at least twenty days' notice thereof in one or more of the papers printed in the town of Salisbury, and by advertising at the court house and two or more places in the counties of Iredell, Alexander and Caldwell, respectively; to appoint such officers as they may deem necessary to transact the business of the company, taking from them, at their discretion, bond and good security for the faithful discharge of their several duties and duly accounting for all moneys coming into their hands; to appoint such superintendents, managers and toll-gatherers as may be necessary; and generally to transact all the business of the company between the general meetings of the stockholders.

Sec. 7. *Be it further enacted*, That if any stockholders shall fail to pay the sum required of them by the Board of Directors, it shall and may be lawful for said board of directors to sell at public auction and to convey to the purchaser, the share or shares of such stockholders so failing or refusing, giving twenty days' notice of the time and place of sale in manner aforesaid; and after retaining the sum due, and all the charges of sale, out of the proceeds thereof, to pay the surplus over to the former owner or to his legal representatives; and if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, the said Board of Directors may recover the balance of the original proprietor, or his assignee, or of the executor, or administrator, or either of them, by suit in any Court of record having jurisdiction thereof, or by warrant before any Justice of the Peace of the county of which he, she or they are residents; and any purchaser of stock of the company, under a sale by order of the Board of Directors, shall be subject to the same rules and regulations as the original proprietor. Powers board.

Sec. 8. *Be it further enacted*, That the said board of directors, their officers or agents, may agree with the owners of any land, over which the said road is intended to pass, for the purchase and transfer thereof; and in case of disagreement, or if the owners shall be *femme covert*, under age or *non compos mentis*, or out of the State, on application to any two justices of the peace of any county where the lands lie, the justices shall issue their warrant to the sheriff of said county, to summon twenty freeholders, to meet on the land to be valued, on a day expresed in said warrant, not less than fifteen nor more than twenty days thereafter; and the sheriff, on the receipt of the warrant, shall summon the freeholders accordingly, and when met, shall draw twelve of them, who after being duly sworn, will impartially value the land in question, and ascertain the damages the owner thereof may sustain; and the inquisition so taken shall be signed the by jury and countersigned by the sheriff, and returned to the County Court to be recorded; and, in all cases, the jury is directed to describe the land valued, and the valuation shall be conclusive; and the said company shall pay the sum assessed; and upon payment thereof, the said corporation shall have the same interest therein as if the title in fee simple thereto had been conveyed to them by the owner.

Valuation of land.

Sec. 9. *Be it further enacted*, That said board of directors, or their agents, may agree with the proprietor or proprietors for any quantity of land they may deem necessary for their purposes, at or near each place or station intended for the collection of the tolls, for the purpose of erecting the necessary buildings and gates; and in case of disagreement, may proceed as above directed in the preceding section: *Provided*, that in such case no more than five acres shall be condemned to their use at each station.

Land for Toll House.

Sec. 10. *Be it further enacted*, That it shall and may be lawful for the said board of directors, as soon as five miles are completed, to demand and receive, at convenient toll gates to be by them erected, a reasonable toll from all per-

Width & Toll.

sons using said plank road; said road to be made not less than eight, nor more than sixty-six feet wide: *Provided, however*, that the toll shall be so regulated that the profits shall shall not exceed twenty-five per cent. on the capital of said company in any one year.

Refusing to pay toll.

Sec. 11. *Be it further enacted*, That if any person or persons shall refuse to pay the toll, at the time of offering to pass the place or places designated for the collection of tolls, the toll-gatherers respectively may refuse a passage to the person or persons refusing to pay; and if any person or persons shall forcibly or fraudulently pass any gate thereon, without having paid the legal toll; and any and every person or persons, who, to avoid paying the legal toll, shall, with his team, carriage or horse, use said road between the points designated for the collection of toll, without paying the same, shall pay a fine of five dollars to said company to be recovered as in other cases.

Penalty for injuries.

Sec. 12. *Be it further enacted*, That if any person or persons shall wilfully or maliciously injure, or in any manner, damage or obstruct, or shall wilfully or maliciously cause, or advise any other person or persons to injure, hurt or obstruct the said plank road, toll gates or toll houses belonging to said company, such person so offending, shall be liable to indictment therefor, and, on conviction, shall be fined and imprisoned at the discretion of the court.

Accounts.

Sec. 13. *Be it further enacted*, That distinct accounts of the proceedings and disbursements of said board shall be made, by them, to the annual meetings of the stockholders.

Crossings.

Sec. 14. *Be it further enacted*, That whenever, in the construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of said company so to construct the said plank road across such roads or ways, as not to impede the passage or transportation of persons or property along the same; and if, in the construction of said plank road, or of any toll gate or toll house, it may become necessary or expedient to use or

change any established road or way, it may be lawful for the board of directors to change the said road or roads, at points where they may deem it necessary or expedient: *Provided however*, that previous to making any such change, the said company shall make and prepare a road equally good with the portion of the road proposed to be substituted; but nothing herein contained shall be so construed as to make it incumbent on the company to keep in repair the portion of any road which they may have changed as aforesaid.

Extension of road.

Sec. 15. *Be it further enacted*, That the board of directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repairs and maintaining of a plank road, to be located as aforesaid; and they are invested with the same powers and rights for the purpose of extending said plank road to Lenoir, in the county of Caldwell, if they should deem it expedient, as are granted by the previous sections of this act for the construction of the main stem from Salisbury to Taylorsville.

Sec. 16. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CXLIV.

AN ACT to incorporate the Charlotte and Taylorsville Plank Road Company.

Commissioners, &c.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful to open books in the town of Charlotte, under the direction of David Parks, John A.

Young, Leroy Springs, William Johnson and James A. Sadler, or any three of them; at Davidson College, under the direction of James Johnson, Thomas W. Sparrow, and Lewis Dinkins; at Mount Mourne, under the direction of R. Reid, James R. Houston, and R. J. McDowell; at Statesville, under the direction of Joseph W. Stockton, J. R. Bell, T. W. McRorie and R. F. Simonton; and at Taylorsville, under the direction of M. Bogle, A. C. McIntosh, to receive subscriptions not exceeding eighty thousand dollars in shares of fifty dollars each, for the purpose of constructing a plank road from the town of Charlotte to the town of Taylorsville, by some practicable route, or on any portion of said route to be determined by said company after it shall be formed.

Notice and times of opening books.

Sec. 2. *Be it further enacted*, That the times and places of receiving subscriptions shall be advertized, and the books for receiving the same be kept open until the sum of thirty thousand dollars shall be subscribed.

Corporate powers.

Sec. 3. *Be it further enacted*, That when the sum of thirty thousand dollars shall be subscribed for as aforesaid, the subscribers, their executors, administrators or assignees shall be, and they are hereby declared to be incorporated into a company, by the name and style of "the Charlotte and Taylorsville Plank Road Company;" and by that name shall be capable, in law, of purchasing, holding, selling, leasing and conveying, estates, real, personal and mixed, so far as shall be necessary for the purposes of said company; and shall have perpetual succesSsion. and, by said corporate name, may sue and be sued; may have a common seal, which may be altered or renewed at pleasure; and shall have and may exercise all the powers, rights and privileges which other corporate bodies may do for the purposes mentioned in this act; and may make all such by-laws, rules and regulations as shall be necessary for the well ordering and conducting the affairs of said company.

General meeting.

Sec. 4. *Be it further enacted*, That when thirty thousand dollars of the stock shall have been subscribed, public notice thereof shall be given by the commissioners at Char-

lotte, who shall have power, at the same time, to call a general meeting of the stockholders at such time and place as may be convenient; and that to constitute any such meeting a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if such number do not attend on the day appointed, those present may adjourn from time to time until the meeting be formed.

Directors.

Sec. 5. *Be it further enacted*, That the subscribers, at their general meeting as before directed, and the proprietors of stock at every annual meeting thereafter, shall elect nine directors; and the directors, when appointed, shall choose one of their number President, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected: but any of said directors may, at any time be removed, and the vacancy filled by a majority of the votes given at any general meeting. The president, with any three or more directors, or, in the event of absence of the president, any four or more of the directors, who may appoint one of their number president *pro tem*, shall constitute a board for the transaction of business; and any vacancy by resignation or otherwise, may be supplied by the other directors until the next annual meeting.

Powers & duties of directors.

Sec. 6. *Be it further enacted*, That the board of directors of said company are hereby invested with all the rights and powers necessary for the construction and repairs of the plank road herein authorized to be made, shall have power to make contracts, on behalf of said company, with any person or persons for constructing said road, and performing all other things necessary and proper respecting the same; also to make, purchase or erect mills and other works which may be required; to demand from the stockholders, from time to time, such advances of money on their respective shares, as they may deem expedient, until the whole subscription be paid; to call, on any emergency, a general

meeting of the stockholders, giving twenty day's notice thereof; to appoint officers to transact the business of the company, taking from them, at their discretion, bond and security for the discharge of their duties; to appoint managers, superintendents, toll gatherers; and to transact all other business necessary between the general meetings.

Sec. 7. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the board of directors, it shall be lawful for said board to sell, at public auction, and convey to the purchaser, the shares of such stockholder so faling, giving twenty days notice of such sale, and after retaining the sum due and all charges, to pay the surplus to the former owner; and if said sale shall not produce the amount required and charges, then the said board of directors may recover the balance from the original owner, his assignee or legal representative, or either of them, by suit, in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county where he or she may reside; and any purchaser of said stock under such sale, shall be subject to the same rules and regulations as the original proprietor. Delinquents.

Sec. 8. *Be it further enacted*, That the said Board of Directors, their officers or agents, may agree with the owners of any land over which said road is to pass, for the purchase and transfer thereof; and in case of disagreement, or if the owner shall be *feme covert*, *under age*, *non compos mentis*, or out of the State, on application to any two Justices of the Peace of the county where the lands lie, the Justices shall issue their warrant to the sheriff of said county, to summon eighteen freeholders to meet on the land to be valued, on the day expressed in said warrant, not less than ten nor more than twenty days thereafter, and the sheriff, on the receipt of the warrant, shall summon the freeholders accordingly, and, when met, shall draw twelve of them, who, after being duly sworn, shall impartially value the land in question, and consider the damages, if any, the owner thereof may sustain; Valuation of land.

and the inquisition so taken shall be signed by the jury and countersigned by the sheriff, and returned to the Clerk of the County Court, to be recorded; and in all cases, the jury is hereby directed to describe the land valued, and such valuation shall be conclusive; and the said Board of Directors shall pay the sum assessed to the owners of land valued, or their legal representatives; and if neither can be found in this State or if they refuse to receive the money, then to the Clerk of the County Court; and on payment thereof, the said corporation shall be seized in fee of the land as fully as if conveyed by the owner.

Land for toll houses &c.

Sec. 9. *Be it further enacted*, That said Board of Directors or agents may agree with the owners for land at or near each station or place intended for the collection of tolls, for the purpose of erecting necessary buildings, gates, &c:, and in case of disagreement or disability as aforesaid, the same proceedings may be had, and same conveyance follow, as described in preceding section: *Provided*, that in case of disagreement, not more than five acres of land shall be condemned to the use of the corporation at any one station.

Tolls.

Sec. 10. *Be it further enacted*, That it shall be lawful for said Board of Directors, as soon as five miles are completed, to demand at toll gates a reasonable toll from all persons using said road; and if any person refuse to pay the same, the toll gatherers may deny them a passage; and any persons who forcibly or fraudulently pass any such gate, without paying said toll, and any person who shall, with his team, carriage or horse, turn out of such road and return to it again, adjacent to any such gate; or any person who shall fraudulently use said road between the said gates where tolls are collected, without paying the same, shall be subject to a fine of five dollars, to be recovered, by warrant, before any Justice of the Peace in the county where any one of such gates or points of collection shall be situated.

Sec. 11. *Be it further enacted*, That if any person shall wilfully or maliciously injure, or in any manner damage or obstruct, or shall wilfully or maliciously cause or advise any other person to injure damage or obstruct the said Plank Road, toll gate or toll house or any other property or effects of said company, such person so offending shall be subject to indictment therefor, and, upon conviction, fined and imprisoned at the discretion of the Court where convicted, and shall be liable to the company for any damages thereby sustained. Penalty for injury.

Sec. 12. *Be it further enacted*, That it shall be lawful for said company to cross any public road, thereby not obstructing the same, or to use and change any public road, and for such purpose to condemn to their use any land necessary as heretofore provided in case of entering on lands for the plank road. Crossings.

Sec. 13. *And be it further enacted*, That this act shall be in force from and after its ratification, and shall continue in force fifty years, and be regarded as a public act.

[Ratified 28th January, 1851.]

CHAPTER CXLV.

AN ACT to Incoporate the Fayetteville and Centre Plank Road Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful to open books in the town of Fayetteville, under the Direction of Henry Lilly, Edward J. Hale, James G. Cooke, Augustus W. Steele, Henry L. Commissioners.

Myrover, Beverly Rose, and Col. Thomas Waddill; at such places as may be deemed advisable, in the county of Richmond, under the direction of Isham A. Dumas, Thomas Little, Genl. Alfred Dockery and R. S. McDonald, or any two of them; in the county of Montgomery, under the direction of James L. Games, Saml. H. Christian, S. V. Simons and R. Bowden or any two of them; in Stanly county, under the direction of William S. Pemberton, William Wall, Dr. M. T. Waddell and Eben Hearne, or any two of them; in the county of Anson, under the direction of Stephen W. Cole, Dr. C. C. Watkins, Col. W. G. Smith and David Carpenter, or any two of them; and at such other places as the Commissioners hereinbefore named to superintend the receiving of subscriptions in the town of Fayetteville, shall direct, for the purpose of receiving subscriptions to an amount not exceeding one hundred and twenty five thousand dollars in shares of fifty dollars each, for the purpose of effecting a communication between the town of Fayetteville and Centre, in the County of Stanly, by means of a Plank Road; the route and points of effecting this communication to be determined by the said company, after the same shall have been formed.

Times and places to be advertised.

Sec. 2. Be *it further enacted*, That the times and places of receiving such subscriptions shall be advertised in one or more of the papers published and printed in the town of Fayetteville; and the books for receiving the same shall not be closed within ten days after the opening; and said Commissioners shall have power to open books from time to time as they think proper, until the whole number of shares be subscribed.

When $20,000 shall be subscribed.

Sec. 3. Be *it further enacted*, That when the sum of twenty thousand dollars shall be subscribed for in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be and they are hereby declared to be incorporated into a company, by the name and style of "The Fayetteville and Centre Plank Road Company," and by that name

shall be capable in law of purchasing, holding, selling, leasing, and conveying estates, real, personal and mixed, so far as may be necessary for the purposes of said company, either in constructing said road or managing the affairs of said company; and shall have perpetual succession; and by said corporate name, may sue and be sued; and may have a common seal, which they shall have power to alter and renew at pleasure, and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State, or of the United States, as shall be necessary for the well ordering and conducting the affairs of said company.

Payments.

Sec. 4. Be *it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing, to the said commissioners or their agents appointed to receive such subscriptions, the sum of one dollar on every share subscribed; and the residue thereof shall be paid or secured in such manner and at such time or times as may be required by the Board of Directors of said company.

Commissioners to pay over.

Sec. 5. Be *it further enacted*, That the said commissioners or their agents, shall forthwith after the first election of a Board of Directors of the company, pay over to said Directors all moneys received by them; and on failure thereof, the said Directors may recover the amount due from them by legal process, in the Court of Pleas and Quarter Sessions, or in the Superior Court of law in any county wherein such commissioner or commissioners may reside, or by warrant before any Justice of the Peace for said county.

General meeting.

Sec. 6. Be *it further enacted*, That when twenty thousand dollars shall have been subscribed, public notice of that event shall be given by the said commissioners at Fayetteville, who shall at the same time call a general meeting of the stockhold-

ers at such convenient place and time as they shall name in said notice.

Quorm.

Sec. 7. *Be it further enacted*, That to constitute any such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy, and if a sufficient number to constitute a meeting, do not attend on that day, those who attend shall have power to adjourn from time to time until a meeting shall be formed.

Directors to be elected.

Sec. 8. *Be it further enacted*, That the subscribers, at their general meeting before directed, and the propriecors of stock at every annual meeting therafter, shall elect nine directors, and the directors, when appointed, shall choose one of their number president, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said directors, or any of them, may at any time be removed, and the vacancy thereby occasioned be filled by a majority of votes given at any general meeting. The president, with any three or more directors, or in the event of sickness, absence or disability of the president, any four or more of the directors may appoint one of their number president *pro tem.*, who shall constitute a board for the transaction of business. In cases of vacancy in the board of directors, happening from death, resignation, or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Road and branches.

Sec. 9. *Be it further enacted*, That the board of directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repairs and maintaining of a plank road, to be located as aforesaid, with as many branches diverging from the main stem, as they, or a majority of them may deem necessary, and may cause to be made; and also to make and construct all works whatsoever, which may be necessary to the completion of said road and all its branches.

Sec. 10. *Be it further enacted*, That the said board of directors shall have power to make contracts with any person or persons, on behalf of the company for making the said plank road, together with any branches of the same, and performing all other things respecting the same, which they shall judge necessary and proper; and to require from the subscribers, from time to time, such advances of money on their respective shares as the wants of the company may demand, until the whole of their subscriptions shall be advanced; to call, on any emergency, a general meeting of the stockholders, giving one month's notice thereof in one or more of the newspapers printed in the town of Fayetteville; to appoint such officers as they may deem necessary to transact the business of the company, taking from them bond and security for the faithful discharge of their several duties, and duly accounting for all moneys coming into their hands; to appoint such superintendents, managers, and toll-gatherers as may be necessary; and generally to transact all the business of the company between the general meetings of the stockholders. Board to contract, require payments, appoint officers, &c.

Sec. 11. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the Board of Directors, or by a majority of them, within one month after the time the same shall have been advertised in one or more of the newspapers published in the town of Fayetteville, it shall and may be lawful for said Board of Directors, or a majority of them, to sell at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving one month's previous notice of the time and place of sale in manner aforesaid, and after retaining the sum due, and all the charges of the sale, out of the proceeds thereof, to pay the surplus over to the former owner or his legal representatives; and if the said sale shall not produce the sum required to be advanced, with all incidental charges attending the sale, then the said Board of Directors may recover the balance of the original Delinquent subscribers.

proprietor or his assignee, or the executors or administrators, or of either of them, by suit in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county of which he is a resident; and any purchaser of the stock of the company, under a sale by order of the board of directors, shall be subject to the same rules and regulations as the original proprietors.

Extension of road.

Sec. 12. *Be it further enacted*, That if the capital Stock of the company hereby incorporated shall be found insufficient for the purposes of this act, or if, hereafter, it may be deemed expedient, by a majority of the stockholders in general meeting, to extend the main stem of said road to Concord, in the county of Cabarrus, or to some other point west of Centre, it shall and may be lawful for the board of directors of the said company, or a majority of them, to increase, from time to time, the capital stock to an amount not exceeding three hundred thousand dollars, by the addition of as many shares as they may deem necessary by opening books in the town of Fayetteville, and such other places and in such manner as they may deem prudent and necessary; and the subscribers for such additional shares of the capital stock of said company are hereby declared to be thenceforward incorporated into the said company, with all the priviliges and advantages, and subject to all the liabilities, of the original stockholders.

Valuation of lands.

Sec. 13. *Be it further enacted*, That the said Board of Directors, their officers or agents, may agree with the owners of any land, over which the said road, or any of its branches, is intended to pass, for the purchase thereof; and in case of disagreement, or if the owners shall be *feme covert*, *under age*, *non compos*, or out of the State, on application to any two justices of the peace of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county, to summon eighteen freeholders to meet on the land to be valued, on a day expressed in

the said warrant, not less than ten, nor more than twenty days thereafter; and the sheriff, on the receipt of the warrant, shall summon the freeholders accordingly; and when met, shall draw twelve of them, who, after being duly sworn, will impartially value the land in question and consider the damages the owner thereof may sustain; and the inquisition so taken shall be signed by the jury, and countersigned by the sheriff, and returned to the clerk of the county court, to be recorded; and, in all cases, the jury is hereby directed to describe the land valued; and such valuation shall be conclusive; and the said Directors shall pay the sum to the owner of the land valued or his legal representative; and if neither can be found in this State, or, if they refuse to receive the money, then to the clerk of the county court; and on payment thereof, the said corporation shall be seized in fee of the land, as fully and absolutely as if it had been conveyed to them by the owners.

Land for toll houses or gates.

Sec. 14. *Be it further enacted*, That the said Board of Directors, or their agents, may agree with the proprietor or proprietors for any quantity of land they may deem necessary for their purposes, at or near each place or station intended for the collection of tolls, for the purpose of erecting the necessary buildings, gates, &c.; and in case of disagreement, or of any disabilities as aforesaid, or the owner or owners being out of the State, the same proceedings may be had, and the same conveyances shall follow, as are described in the preceding section: *Provided*, that in cases of disagreement, not more than five acres of land shall be condemned to the use of said company at any one station.

Toll and profits.

Sec. 15. *Be it further enacted*, That it shall and may be lawful for the said Board of Directors to demand and receive, at some convenient toll gates to be by them erected, a reasonable toll from all persons using said plank road, or any of its branches, which toll so to be collected, shall be so regulated that the profits shall not exceed twenty-five per cent. on the capital stock of said company in any one year.

Tolls and width of road.

Sec. 16. *Be it further enacted*, That the road hereby authorised to be made, shall not be less tha eight, nor more than sixty-six feet wide; and that as soon as five miles in extent shall have been constructed, it shall and may be lawful for the said board of directors to demand and collect such toll from persons using said road as may be by them determined, in accordance with the rates imposed by the fifteenth section of this act, and in like proportion for a greater extent of road: and if any person or persons shall refuse to pay the toll at the time of offering to pass the place or places designated for the collection of tolls, and previous to passing the same, the toll-gatherers respectively may refuse a passage to the person or persons refusing to pay; and if any person or persons shall pass or drive through, or pass or drive around said place, any wheeled carriage or animal liable to toll, without paying the same, he or they shall be liable to pay a fine of five dollars, which fine may be recovered, by warrant, before any justice of the peace of the county wherein such toll gate or point of collection is situated. And if any person or persons shall drive on or use any part of said road, between the points designated for the collection of tolls, without paying the amount for which he or they may be liable, it shall be held that he or they are fraudulently using the same; and he, she or they shall be liable to pay a fine of five dollars, which may be recovered by warrant as hereinbefore prescribed.

Penalty for injury.

Sec. 17. *Be it further enacted*, That if any person or persons shall wilfully or maliciously injure, or in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause, aid, assist, counsel or advise any other person or persons to injure, hurt, damage or obstruct, the said Plank Road, toll gates or toll houses, or any of the property or effects of said company, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be imprisoned or fined at the discretion of the Court before which said conviction shall take place.

Sec. 18. *Be it further enacted*, That distinct accounts of the proceedings and disbursements of the board shall be made by them to the annual meeting of the stockholders: *Provided*, that if a number of stockholders holding one-fourth in amount of the capital stock of said company, shall ask of the board in writing a call of a general meeting of the stockholders, such meeting shall be called; and to such meeting the board shall make a report similar in all respects to the one required to be made at annual meetings. Accounts.

Sec. 19. Be *it further enacted*, That whenever, in the construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of the Board of Directors so to construct the said Plank Road across such established roads or ways, as not to impede the passage or transportation of persons or property along the same; and if in the construction of said Plank Road, or of any of its branches, or of any toll gate or toll houses, it may become necessary or expedient to use or change any portion of any established public road or way, it may be lawful for said Board of Directors to change the said roads at points where they may deem it necessary or expedient to do so; and that for entering upon, or taking any land necessary therefor, they shall be, and are hereby authorized to proceed, under the provisions of this act, as in the case of land necessary for the Plank Road: *Provided further*, that previous to making any such change, the said company shall make and prepare a road equally good with the road proposed to be substituted; but nothing herein contained shall be so construed as to make it incumbent on said company to keep in repair the portion of any road which they may have changed as aforesaid. Crossing roads, &c.

Sec. 20. Be *it further enacted*, That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act, and be continued in force for fifty years.

[Ratified 28th December, 1850.]

CHAPTER CXLVI.

AN ACT to incorporate the Granville Plank Road Company.

Commissioners.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Rhodes N. Herndon, R. Kingsbury, L. C. Taylor, James C. Cooper, L. A. Paschall, John Blacknall, A. Landis, Henry A. Taylor, J. M. Wiggins, together with such persons as now are or may hereafter be associated with them, their successors, or assigns, be, and they are hereby created a corporation and body politic, by the name and style of "The Granville Plank Road Company," and by that name and style may acquire, hold, possess and transfer such real, personal and mixed estates as may be necessary for the purpose of constructing the road herein authorized to be made, or of managing the affairs of said company; and shall have perpetual succession and a common seal, which they shall have power to alter and renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting of the affairs of the company; and by said name, may sue and be sued, plead and be impleaded, in any of the courts of this State.

Corporate powers.

Capital: location of road.

Sec. 2. *Be it further enacted*, That the capital of said company shall not exceed the sum of sixty thousand dollars, in shares of twenty-five dollars each; the payment or securing of the stock of said company, to be made under such rules and regulations as may be prescribed by the board of directors, hereinafter provided for: The said company shall have power to construct a plank road from the town of Oxford to the town of Henderson, in the aforesaid county, starting from such point, in the town of Oxford, as may be

selected by the board of directors, and passing such points and places as may be deemed most conducive to the convenience of the public and the interest of the company.

General meeting.

Sec. 3. *Be it further enacted*, That a general meeting of the stockholders of said company shall be called, at such time and place as may be deemed convenient for the same, by giving at least ten days' public notice of the time and place of such meeting: That to constitute any such meeting, a number of shares, entitled to a majority of votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and, if a sufficient number to constitute a meeting do not attend, on that day, those who do attend shall have the power to adjourn from time to time until a meeting shall be formed.

President and other officers.

Sec. 4. *Be it further enacted*, That the subscribers, to the stock of said company, at their meeting hereinbefore directed to be called, and the proprietors of stock at every annual meeting thereafter, shall elect nine directors, and the directors, when appointed, shall choose one of their number President, who shall continue in office, (unless sooner removed) until the next annual meeting after their election and until their successors shall be elected; but the said directors, or any of them, may, at any time, be removed and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting. The President, with any three or more directors, (or in the event of sickness, absence or disability of the President) any four or more of the directors, who may appoint one of their number President, *pro tem.*, shall constitute a board for the transaction of business. In cases of vacancy in the board of directors, happening from death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Powers of board.

Sec. 5. *Be it further enacted*, That the board of directors of said company shall be, and they are hereby invested, with all the rights and powers necessary for the construction

and repairs of the plank road, herein authorized to be made, also to make, purchase and construct all such mills and other works as may be necessary for the construction and well ordering of said road.

Sec. 6. *Be it further enacted*, That the said board of directors shall have power to make contracts with any person or persons, on behalf of the company, for the construction of said road, and of performing all other things respecting the same, which they shall judge necessary and proper; and to require from the stockholders, from time to time, such advances of money on their respective shares as the wants of the company may demand, until the whole of their subscriptions shall be paid; to call, on any emergency, a general meeting of the stockholders, giving at least twenty days notice thereof; to appoint such officers as they may deem necessary to transact the business of the company, taking from them, at their discretion, bond and security for the faithful discharge of their several duties, and duly accounting for all moneys coming into their hands; to appoint such superintendents, managers and toll gatherers as may be necessary; and generally to transact all the business of the company between the general meetings of the stockholders.

May contract and require payment of stock, &c. &c.

Sec. 7. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the Board of Directors, it shall and may be lawful for said Board of Directors to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving twenty days previous notice of the time and place of sale; and after retaining the sum due and all the charges of the sale, out of the proceeds thereof, to pay the surplus over to the former owner, or to his legal representatives; and if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, then the said Board of Directors may recover the balance of the original proprietor, or his assignee, or of the executor or administrator of either of them, by suit, in any

Delinquent stockholders.

Court of record having jurisdiction thereof, or by warrant before any Justice of the Peace of the county of which he, she or they are residents; and any purchaser of the stock of the company, under a sale by order of the Board of Directors, shall be subject to the same rules and regulations as the original proprietor.

Valuation of land.

Sec. 8. *Be it further enacted*, That the said Board of Directors, their officers or agents, may agree with the owners of any land over which the road is intended to pass, for the purchase and transfer thereof; and in case of disagreement, or if the owners shall be *feme covert*, under age, *non compos mentis*, or out of the State, on application to any two Justices of the Peace of the county aforesaid, the Justices shall issue their warrant to the Sheriff of said county, to summon eighteen freeholders to meet on the land to be valued, on the day expressed in said warrant, not less than ten, nor more than twenty days thereafter; and the Sheriff, on the receipt of the warrant, shall summon the freeholders accordingly, and when met, shall draw twelve of them, who, after being duly sworn, shall impartially value the land in question, and consider the damages, if any, the owner thereof may sustain; and the inquisition so taken shall be signed by the Jury, and countersigned by the Sheriff, and returned to the Clerk of the County Court, to be recorded; and, in all cases, the Jury is hereby directed to describe the land valued; and such valuation shall be conclusive; and the said Board of Directors shall pay the sum to the owner of the land valued, or his legal representatives; and if neither can be found in this State, or if they refuse to receive the money, then to the Clerk of the County Court; and on payment thereof, the said corporation shall be seized in fee of the land, as fully and absolutely as if it had been conveyed to them by the owner.

Land for gates, &c.

Sec. 9. *Be it further enacted*, That said Board of Directors, or their agents, may agree with the proprietor or proprietors for any quantity of land they may deem necessary

for their purposes, at or near each place or station intended for the collection of tolls, for the purpose of erecting the necessary buildings, gates, &c., intended for the purposes of the company; and in case of disagreement, or of any disability as aforesaid, the same proceedings may be had, and the same conveyance shall follow, as are prescribed in the preceding section: *Provided*, that in cases of disagreement, not more than five acres of land shall be condemned to the use of said company at any one station.

Tolls. Sec. 10. *Be it further enacted*, That it shall and may be lawful for the said Board of Directors, as soon as five miles are completed, to demand and receive at convenient toll gates to be by them erected, a reasonable toll from all persons using said Plank Road; said road to be made not less than eight, nor more than sixty six feet wide: *Provided*, that the toll so to be collected on said road shall be so regulated, that the profits shall not exceed twenty five per cent. on the capital of said company in any one year.

Evasions of toll. Sec. 11. *Be it further enacted*, That if any person or persons shall refuse to pay the toll, at the time of offering to pass the place or places designated for the collection of tolls, and previous to passing the same, the toll gatherers respectively may refuse a passage to the person or persons so refusing to pay; and if any person or persons forcibly or fraudulently pass any gate thereon, without having paid the legal toll; and any and every person or persons, who, to avoid paying the legal toll, shall, with his team, carriage or horse, turn out of said road on ground adjacent thereto, and enter again upon such road; and any person or persons who shall use said road between the points designated for the collection of tolls, without paying the same, he, she or they shall pay a fine of five dollars, to be recovered, by warrant, before any Justice of the Peace in the county wherein such toll gate or point of collection shall be situated.

Sec. 12. *Be it further enacted*, That if any person or persons shall wilfully or maliciously injure, or in any man-

ner hurt, damage or obstruct, or shall wilfully or maliciously cause or advise any other person or persons to injure, hurt or obstruct the said plank road, toll gate or toll houses, or any other property or effects of said company, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be fined or imprisoned at the discretion of the court before which said conviction shall take place; and shall farther be liable for damages that may be sustained on account of such injury. Penalty for injuries, &c.

Sec. 13. Be *it further enacted*, That distinct accounts of the proceedings and disbursements of the board, shall be made by them to the annual meetings of the stockholders. Accounts.

Sec. 14. *Be it further enacted*, That whenever in the construction of said road, it may be necessary to cross or interseet any established road or way, it shall be the duty of the board of directors so to coustruct the said plank road across such established roads or ways, as not to impede the passage or transportation of persons or property along the same; and if in the construction of said plank road, or of any toll gate or toll house, it may beeome necessary or expedient to use or change any portion of any established road or way, it may be lawful for the Board of Directors to change the said road or roads, at points where they may deem it necessary or expedient to do so; and for entering upon or taking any land therefor, they shall be and they are hereby authorized to proceed, under the provisions of this act, as in case of land neeessary for the plank road: *Provided further*, that previous to any such change the said company shall make and prepare a road equally good as the one proposed to be substituted; but nothing herein contained shall be so construed as to make it incumbent on said company to keep in repair the portion of road which they may have changed as aforesaid. Crossing roads.

Sec. 15. Be *it further enacted*, That this act shall be in

force, from and after the ratification thereof, and shall be regarded as a public act and be continued in force for thirty years.

[Ratified 27th January, 1851.]

CHAPTER CXLVII.

AN ACT to incorporate the Asheville and Greenville Plank Road Company.

Commissioners, &c.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That it shall be lawful to open books in the town of Asheville, under the direction of James M. Smith, James W. Patton, Montroville Patton, Dr. J. F. E. Hardy, Alfred B. Chunn, John Reynolds, John W. Woodfin, Isaac B. Sawyer, William Williams, James M. Edney, Dr. Morgan L. Neilson, William Rankin and Hugh Johnson; and in the town of Hendersonville, under the direction of David B. Miller, Volentine Ripley, John Baxter, Benjamin King, Joseph Dunlap, Henry T. Farmer, Allen Taber and Marcus M. Patton; and in the town of Greenville, South Carolina, under the direction of Perry Duncan, Dr. A. B. Crook, Vardry McBee, Erwin P. Jones, William Choice, F. F. Beattie and David Hoke; and at such other places, and under the direction of such other persons, as the commissioners herein before named, or any three of them, may direct, for the purpose of receiving subscriptions of stock, to an amount not exceeding two hundred thousand dollars, in shares or fifty dollars each, for the purpose of effecting a communication by means of

a plank road, from the town of Asheville, in North Carolina, and Greenville, in the State of South-Carolina: passing the the town of Hendersonville, in North Carolina, by the most practicable route, to be determined by said company, after it shall have been formed.

Sec. 2. *Be it further enacted*, That the times and places for receiving subscriptions for stock in said company, shall be advertised in one or more newspapers printed in the towns of Asheville and Greenville; and the books shall not be closed in less than thirty days; and the said commissioners shall have power, or a majority of them, to open books from time to time, until the whole number of shares be subscribed. Notice, &c

Sec. 3. *Be it further enacted*, That when the sum of twenty-five thousand dollars shall have been subscribed, in manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a company, by the name and style of "The Asheville and Greenville Plank Road Company;" and, by that name, shall be capable in law of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as shall be necessary for the purposes of said company; and shall have perpetual succession; and by said corporate name may sue and be sued, and may have a common seal, which they shall have power to alter and renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights and privileges, that other corporate bodies, may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting the affairs of said company. Corporate powers.

Sec. 4. *Be it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscription, the sum of one dollar on every share subscribed; and the residue thereof shall be Payments.

paid in such instalments and at such times, as may be required by the president and directors of said company.

Commissioners to pay over.

Sec. 5. *Be it further enacted*, That the said commissioners, or their agents, shall forthwith, after the first election of president and directors of the company, pay over to the said president and directors all monies received by them; and on failure thereof, the said president and directors may recover the amount or amounts due from them, or any one of them, by suit in the corporate name of the company, before any court or justice of the peace having jurisdiction of such amount.

General meeting.

Sec. 6. *Be it further enacted*, That when twenty five thousand dollars shall have been subscribed, public notice of that event shall be given by the said commissioners at Asheville, who shall have power at the same time to call a general meeting of the stockholders at such time and place as they shall appoint.

Quorum.

Sec. 7. *Be it further enacted*, That to constitute any such meeting, a majority of all the shares subscribed shall be represented in person or by proxy; and if a sufficient number of subscribers do not attend on that day those who attend, may adjourn from time to time, until a majority of the stock is represented.

Election of Directors.

Sec. 8. *Be it further enacted*, That the subsribers, at the general meeting before directed, and the proprietors of stock at any annual meeting thereafter, shall elect a president and nine directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors are elected; but the said president and directors, or any of them, may, at any time, be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting; the President, with any three or more of the directors, shall constitute a board to transact business, or, in the event of the sickness, absence or disability of the President, any five or more of the directors may appoint any one of their own body president *pro*

tem., who, together with said directors, shall constitute a board to transact business. In cases of vacancy in the office of president, or any director, happening by death, removal or otherwise, such vacancy shall be supplied by the appointment of the board until the next annual meeting.

Road and branches.

Sec. 9. *Be it further enacted*, That the president and directors of said company, shall be, and they are hereby invested with all the rights and powers necessary for the construction, repairs and maintaining of a plank road, to be located as aforesaid, with as many branches *diverging* from the main stem, as they or a majority of them may deem necessary; and may cause to be made, all works whatsoever, which may be necessary and expedient for the proper completion of said road and its branches.

Powers & duties of directors.

Sec. 10. *Be it further enacted*, That the said president and directors shall have power to make contracts with any person or persons, on behalf of the company, for making said plank road, together with any branches of the same, and performing all other things respecting the same which they shall judge necessary and proper; and to require from the subscribers, from time to time, such advances of money, on their respective shares, as the wants of the company may demand, until the whole of their subscription shall be paid in; to call, on any emergency, a general meeting of the stockholders, giving one month's notice thereof in any of the papers printed at Asheville or Greenville; to appoint a treasurer, from amongst the stockholders, who shall give bond and security for the faithful discharge of his duty, and duly accounting for all the money that may come into his hands as treasurer; to appoint a clerk and such managers and toll gatherers as they may deem necessary; and to transact all the business of the company, during the intervals between the general meetings of the stockholders.

Delinquents.

Sec. 11. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him or her by the president and directors, within one month of the time fixed

by them for the payment thereof, and of which call notice shall be given in one of the newspapers published in Asheville or Greenville, it shall and may be lawful for the President and Directors to sue for and recover the same in any court, or, if the sum be less than one hundred dollars, before any justice of the peace; or they may sell, at public auction, and convey to the purchaser, the share or shares of such delinquent subscriber, or his assignee, first giving one month's notice in one of the newspapers published in Ashville, of such sale; and after retaining the sum due and all charges of the sale out of the proceeds thereof, to pay the surplus, if any, to the former owner or his or her personal representatives; and if such sale shall not produce the sum due, and the expense attending the sale thereof, the said company may recover the residue thereof, by suit, in any court, or before any justice of the peace, having jurisdiction thereof, against such subscriber or his assignee or the legal representatives of either of them; and any purchaser of the stock at such sale, or other purchaser of stock in said company, shall be subject to the same rules, liabilities and regulations as the original subscribers.

Increase of capital.

Sec. 12. *Be it further enacted*, That if the capital stock of the company hereby incorporated shall be found insufficient for all the purposes of this act, it shall and may be lawful for the president and directors of said company, or a majority of them, from time to time, to increase the capital stock to an amount, not exceeding three hundred thousand dollars, by the addition of as many shares as they may deem necessary, first giving the individual stockholders, for the time being, or their legal representatives, the option of taking such additional shares, in proportion to the amount of stock respectively held by them; and if a sufficient amount should not be taken by the stockholders, it shall be lawful for said president and directors to have books opened at such time and places, and under the direction of such person or persons as they may appoint to receive subscriptions of stock to make up the remaining shares not taken by the stockholders as a-

foresaid, and may re-open books for that purpose, from time to time, until the whole amount of the stock created by this section and their order or resolution shall have been subscribed, and the subscribers for such additional shares of the capital stock are hereby declared to be thenceforward incorporated into the said company, with all the privileges and advantages, and subject to all the liabilities of the original stockholders.

Sec. 13. *Be it further enacted*, That it shall be competent for said company, at any time within three years from the first organization, to determine whether they will extend the said plank road to the line of the State of Tennessee, by such route as they may afterwards determine, and the entering of such resolution on their book, and giving notice thereof in any newspaper published at Asheville, shall be sufficient evidence of their determination to do so, and shall vest in said company all the rights, powers and privileges for making, keeping and using said road from Asheville to the Tennessee line, as are herein given to and vested in them for making that portion south of Asheville. Extension of road.

Sec. 14. *Be it further enacted*, That if the company hereby created, shall only make that part of the road south of Asheville, and shall only require that portion of the Buncombe Turnpike Road for the use of the plank road, it shall be lawful for them to take and use that portion of it or any part or parts thereof that may be found necessary for their purposes: and the said Buncombe Turnpike Company shall not be responsible for the repairs or keeping up of any part of said road, south of Asheville, after the election of president and directors of the company hereby incorporated, but that the plank road company shall have charge thereof after such organization, and shall keep it in repair until the plank road is made, or such parts thereof as are not occupied by the plank road, so that the travel over said road shall not be impeded; and the plank road company may collect the same tolls thereon that are now levied and collected by the Bun- Road south of Asheville, &c.

combe Turnpike Company until they erect their first toll gate, on the plank road, as hereinafter provided for. And as a compensation to the said Buncombe Turnpike Company, for the surrender of their rights of way and franchise in that part of their road, which they agree to do, it shall be lawful for each stockholder to claim stock in the company hereby incorporated, of equal value with his stock in that part of the Buncombe Turnpike Road hereby surrendered, estimating the shares of fifty dollars, in said company, as now worth thirty dollars per share in the whole road, and that portion of the road south of Asheville, as being equal to one third of the whole road, or ten dollars per share for that portion of said road south of Asheville; and a certificate of stock shall issue to each stockholder in the Buncombe Turnpike Company, accordingly, without any charge on him; and if the number of shares, so owned by any one or more of the stockholders in the Buncombe Turnpike road, shall not entitle him or her to a full share in the plank road company, then such stockholder shall pay the difference as other subscribers are required to pay, but shall be allowed the benefit of his stock in the Buncombe Turnpike Road as so much cash paid in.

Road north of Asheville.

Sec. 15. *Be it further enacted*, That if the plank road company, hereby incorporated, shall determine to extend the plank road north of Asheville, to the Tennessee line, then, on such determination being made known, as hereinbefore required, they shall have the control and management of that part of said road north of Asheville, and the Buncombe Turnpike Company shall not be further responsible for its repairs, but the plank road company shall succeed to all their rights and liabilities, and shall keep the road in condition for travel, until the plank road is completed, or such part thereof as is not occupied with the plank road, and shall collect the same tolls thereon that the Buncombe Turnpike Company now collect, until they erect their first gate on the plank road; and thereafter they shall only collect one half of the

tolls now charged, until the second gate shall be erected on the plank road, when no further toll shall be collected on account of, or under the charter to, the Buncombe Turnpike Company; but all of its franchises under said charter shall cease, and in lieu of the stock so surrendered, by the stockholders in said company, each stockholder shall be entitled to stock in the plank road equal to twenty dollars per share, for each share he or she owned in the said Buncombe Turnpike Company; and if any stockholder shall not have the number of shares to entitle him to an entire share in the Plank Road Company, he shall have the benefit of his stock as so much cash paid in, at the rate of twenty dollars for each share that he owned in said company, towards his stock subscribed in the plank road. And, that, on account of the State's stock of five thousand dollars, in said Buncombe Turnpike Company, stock to the amount of three thousand dollars shall be set apart for the State in said plank road, provided the entire road is claimed and used by the plank road; but if only that portion south of Asheville should be used, then the State shall have and own stock (without any payment on the shares) equal to that allowed on the shares of individuals, for that part of the road, or ten dollars for each share owned by the State in the Buncombe Turnpike Company.

Failure to take road North of Asheville.

SEC. 16. Be *it further enacted*, That in case the plank road company should not elect to take that part of the Buncombe Turnpike road north of Asheville, on the terms herein provided, but shall take that part thereof south of Asheville then the Buncombe Turnpike Company shall have the right to retain and keep up the same as heretofore, under their charter, and to collect two thirds of the whole toll allowed by their charter for the whole road, and no more, and shall have the right to make any alteration or change therein that they may deem advisable, and if in doing so they shall pass over the lands of any one who will not consent thereto on terms to be agreed on between them and such owner, then a

jury of twelve freeholders shall be summoned by the sheriff of the county of Buncombe, at the instance of either party on ten day's notice to him from the party desiring it, shall assess the damages done to such land: And upon the payment of the amount so assessed, or the tender of it, the title of such land shall vest in said company, in fee for the purposes of said road; and if any one shall break through or pass around any gate of said company, to evade the tolls due said company, he shall be subject to a penalty of ten dollars for every such offence, to be recovered before any justice of the peace for said county, provided the road is in good repair at the time of such breaking through or going around such gate.

Provision if S. C. grant a charter.

Sec. 17. *Be it further enacted*, That provided the State of South Carolina shall grant a charter of like provisions with this act, then the said plank road company shall have corporate existence in this State and in South Carolina, as one company, unless the stockholders in North Carolina shall prefer a separate existence, and so determine at their first meeting, and in that event, or if the State of South Carolina fails, at the present term of their Legislature, to concur in this or a similar charter, then it shall be competent for the company hereby incorporated to make their road to such point on the South Carolina line as they shall determine.

Valuation of land.

Sec. 18. *Be it further enacted*, That the president and directors, their agents, or officers, may agree with the owner or owners of any land over which the road, may be intended to pass, or any of its branches, for the purchase thereof; and in case of disagreement, or if the owner shall be *feme covert*, infant, *non compos*, or out of the State, on application to any two justices of the peace in the county where the lands are situated the justices shall issue their warrant to the sheriff of such county, to summon eighteen freeholders to meet on the lands to be valued, on a day to be expressed in said warrant, not less than ten, nor more than twenty days thereafter;

and the sheriff, on the receipt of the warrant, shall summon the freeholders accordingly, and, when met, shall draw twelve of them, who, after being duly sworn, by the sheriff, (which he is hereby authorized to do) shall impartially value the land in question, and assess the damage the owner or owners thereof may sustain; and the inquisition thus taken shall be signed by the sheriff and jury, and returned to the clerk of the County court of the county, to be recorded; and any sheriff or juror who shall neglect or refuse to comply with this section shall forfeit and pay to said company ten dollars, to be recovered by warrant before any justice of the peace, unless he can render some sufficient excuse for such failure; and the jury, in all cases, shall describe the land valued, and shall take into consideration the advantage to said land, as well as the injury in making the improvement; and such valuation shall be conclusive; and the president and directors shall pay the same to the owner of the land valued or his legal representative, on demand, and in case of failure therein, may be sued therefor before any justice of the peace, if the sum shall not exceed one hundred dollars, and no stay of execution shall be allowed; and if the sum exceed one hundred dollars, the same may be recovered in any court having jurisdiction of actions of debt. But if the owner or owners of such land cannot be found or should refuse to receive the money, then the same shall be paid to the clerk of the county court of said county, for the use of such owner; and, on payment thereof, the said corporation shall be seized in fee of said land as fully as if it had been conveyed to them by the owner or owners.

Land for toll-houses.

Sec. 19. *Be it further enacted*, That the president and directors, may agree with the proprietor or proprietors of any land at or near the station intended for collection of tolls, for the purpose of erecting the necessary buildings, gates, &c.; and in case of disagreement, or of any disability as aforesaid, or absence from the State, of the owner or owners the same proceedings may be had, and the same

conveyances shall follow, as are prescribed in the preceding section, but in that event not more than one acre of land shall be condemned and conveyed.

Votes. Sec. 20. *Be it further enacted*, That in all general and other meetings of the stockholders the voting shall be regulated by the number of shares, each share entitling the owner to one vote: *Provided, however*, that no stockholder shall give more than fifty votes unless the company at any general meeting shall determine by a vote of a majority of all the stock subscribed to change the scale of voting, but they shall have power by such vote to determine their own rule of voting.

Tolls. Sec. 21. *Be it further enacted*, That it shall and may be lawful for the said president and directors to demand and receive, at some convenient toll gates to be by them erected, as they shall judge most advantageous, a reasonable toll from all persons using said Plank road, or any of its branches; which toll, so to be collected on persons and property passing on said road, shall be so regulated that the profits shall not exceed twenty *per cent.*, on the capital stock in said company, in any one year, clear of expenses and outlays; and *provided*, that no one shall be required to pay toll at any gate within four miles of his or her residence.

Width of road, &c. Sec. 22. *Be it further enacted*, That the said road hereby directed to be made, shall not be less than eight feet, with at least eight feet of earth road adjoining, and to be used as a part thereof, and that the whole road shall not be more than thirty feet wide; and that no part of said road shall be made steeper than one foot in sixteen feet; and that as soon as ten miles in extent shall have been constructed, it shall and may be lawful for the President and Directors of said company to erect a toll gate and collect such tolls from persons using said road as may be determined, by the President and Directors, in accordance with the provisions of the 21st section of this act, and in like proportion for a greater extent of said road; and if any person or persons shall re-

fuse to pay the toll, at the time of offering to pass the place or places designated for collecting the toll, and previous to passing the same, the toll-gatherers respectively may refuse a passage to the person or persons so refusing to pay; and if any person or persons shall pass or drive through or around such gates, any wheeled carriage or animal liable to toll, without paying the same, he or they shall be liable to a fine of five dollars, for each such offence, to be collected before any justice of the peace, together with the tolls due, all in the name and to the use of said company.

Penalty.

Sec. 23. *Be it further enacted*, That if any person or persons shall wilfully or maliciously injure, or in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause, or aid or counsel any other person to injure or obstruct the said Plank road, toll gates or toll houses, such person or persons, so offending, shall be liable to be indicted therefor, and, on conviction, shall be fined or imprisoned at the discretion of the court before whom the conviction shall be had.

Accounts.

Sec. 24. *Be it further enacted*, That that the President and Directors shall report full and clear accounts of their proceedings and disbursements to the annual meeting of the stockholders, and the President, with the concurrence of three of the directors, or, in the absence of the president, a majority of all the directors may call a meeting of the stockholders at any time.

Crossing roads.

Sec. 25. *Be it further enacted*, That whenever, in the construction of said plank road, it shall become necessary to cross or intersect any public road, it shall be the duty of the President and Directors so to construct said plank road across such public and established road as not to impede or obstruct the travel along such public road: And if, in the construction of said plank road, it shall become necessary or expedient to use or occupy any portion of said road it shall be lawful for the president and directors to change or alter such public

road, at such places where they deem it necessary to do so; and that for entering on and taking any land that may be necessary therefor, they shall be, and are hereby authorized to proceed under the provisions of this act as in cases of condemning land for the use of the plank road, and the said plank road company shall prepare another road equally good, or as nearly so as practicable, before they use or occupy any public road, but shall not be bound to keep the same in order.

Sec. 26. *Be it further enacted*, That this act shall be in in force from and after its ratification, and shall continue in force for fifty years, and shall be regarded as a public act; and the road hereby authorized to be built shall be a public highway.

[Ratified 15th January, 1851.]

CHAPTER CXLVIII.

AN ACT to incorporate the Roanoke and Tar River Plank Road Company.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That James J. Pippin, J. H. Daniel, R. E. McNair and Josiah S. Pender, of Edgecombe County; and Jos. J. Williams, S. C. Benjamin Bryant, Bennett and P. P. Clements, of Martin, together with such persons as now are, or may hereafter be associated with them, their successors or assigns, be, and they are hereby created a corporation, and body politic, by

Commissioners and corporate powers.

the name and style of "The Roanoke and Tar River Plank Road Company," and by that name and style, may acquire, hold, possess, and transfer such real, personal and mixed estates, so far as may be necessary for the purpose of constructing the road herein authorized to be made, or of managing the affairs of said company; and shall have perpetual succession and a common seal, which they shall have power to alter and renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purpose mentioned in this act, and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting of the affairs of the company; and by said name, may sue and be sued, plead and be impleaded in any of the Courts of this State.

Sec. 2. *Be it further enacted*, That the capital of said company shall not exceed the sum of twenty five thousand dollars, in shares of fifty dollars each; the payment or securing of the stock of said company to be made under such rules and regulations as may be prescribed by the Board of Directors hereinafter provided for. The said company shall have power to construct a plank road from the town of Hamilton, in Martin county, near the Roanoke River, to or near the bridge across the Tar River at Tarborough, in Edgecomb county, the most practicable way to be selected by said directors. Stock, route, &c.

Sec. 3. Be *it further enacted*, That a general meeting of the stockholders of said company shall be called at such time and place as may be deemed convenient for the same, by giving public notice in one or more of the papers published in the town of Tarborough or Hamilton, at least ten days notice of the time and place of such meeting; that to constitute any such meeting, a number of shares entitled to a majority of the votes which could be given upon all the shares subscribed, shall be present, either in person or by General meeting

proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have the power to adjourn from time to time until a meeting shall be formed.

Sec. 4. *Be it further enacted*, That the subscribers to the stock of said company, at their meeting hereinbefore directed to be called, and the proprietors of stock at every annual meeting thereafter, shall elect nine directors; and the directors, when appointed, shall choose one of their number president, who shall continue in office, unless sooner removed, until the next annual meeting after their election and until their successors shall be elected. But the said directors, or any of them, may, at any time, be removed, and the vacancy, thereby occasioned, be filled by a majority of the votes given at any general meeting. The president, with any three or more directors, or in the event of sickness, absence or disability of the president, any four or more of the directors, who may appoint one of their number president *pro tem.*, shall constitute a board for the transaction of business. In cases of vacancy in the Board of Directors, happening from death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Directors.

Sec. 5. Be *it further enacted*, That the board of directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction and repairs of the plank road herein authorized to be made; and also to make, purchase and construct all such mills and other works as may be necessary for the construction and well ordering of said road.

Powers of directors.

Sec. 6. *Be it further enacted*, That the said Board of Directors shall have power to make contracts with any person or persons, on behalf of the company, for the construction of said road; and of performing all other things respecting the same, which they shall judge necessary and proper; and to require from the stockholders, from time to time, such ad-

Powers & duties of directors,

vances of money, on their respective shares, as the wants of the company may demand, until the whole of their subscription shall be paid; to call, on any emergency, a general meeting of the stockholders, giving at least twenty days' notice thereof in one or more of the papers printed in the town of Tarborough; to appoint such officers as they may deem necessary to transact the business of the company, taking from them, at their discretion, bond and security for the faithful discharge of their several duties and duly accounting for all moneys coming into their hands; to appoint such superintendents, managers and toll gatherers as may be necessary; and generally to transact all the business of the company between the general meetings of the stockholders.

Sec. 7. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the Board of Directors, it shall and may be lawful for said Board of Directors to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving twenty days' previous notice of the time and place of sale in manner aforesaid; and, after retaining the sum due and all the charges of the sale out of the proceeds thereof, to pay the surplus over to the former owner or to his legal representatives, and if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, then the said Board of Directors may recover the balance of the original proprietor or his assignees, or of the executor or administrator of either of them by suit, in any court of record having jurisdiction thereof, or by warrant before any Justice of the Peace of the county of which he, she or they are residents; and any purchaser of the stock of the company under a sale by order of the Board of Directors, shall be subject to the same rules and regulations as the original proprietors. Delinquents.

Sec. 8. *Be it further enacted*, That the said Board of Directors, their officers or agents, may agree with the owners of any land over which the road is intended to pass, for

the purchase and transfer thereof; and in case of disagreement, or if the owners shall be *feme covert*, under age, *non compos mentis*, or out of the State, on application to any two Justices of the Peace of the county where the land lies, the Justices shall issue their warrant to the sheriff of said county to summon eighteen freeholders to meet on the land to be valued, on the day expressed in said warrant, not less than ten, nor more than twenty days thereafter; and the sheriff, on the receipt of the warrant, shall summon the freeholders accordingly, and when met, shall draw twelve of them, who, after being duly sworn, shall impartially value the land in question, and consider the damages, if any, the owner thereof may sustain; and the inquisition so taken shall be signed by the jury and countersigned by the sheriff, and returned to the Clerk of the County Court, to be recorded; and in all cases, the jury is hereby directed to describe the land valued, and such valuation shall be conclusive; and the said Board of Directors shall pay the sum to the owner of the land valued, or his legal representatives, and if neither can be found in this State, or if they refuse to receive the money, then to the Clerk of the County Court; and on payment thereof, the said corporation shall be seized in fee of the land, as fully and absolutely as if it had been conveyed to them by the owner.

Valuation of land.

Sec. 9. *Be it further enacted*, That said board of directors, or their agents, may agree with the proprietor or proprietors for any quantity of land they may deem necessary for their purpose, at or near each station or place intended for the collection of tolls, for the purpose of erecting the necessary buildings, gates &c., intended for the purposes of the company; and in case of disagreement, or of any disability as aforesaid, the same proceeding may be had, and the same conveyance shall follow, as are prescribed in the preceding section: *Provided*, that in case of disagreement, not more than two acres of land shall be condemned to the use of said company at any one station.

Land for toll houses &c.

Sec. 10. Be *it further enacted*, That it shall and may be lawful for the said Board of Directors, as soon as five miles are completed, to demand and receive, at convenient toll gates, to be by them erected, a reasonable toll from all persons using said plank road; said road to be made not less than eight nor more than sixty six feet wide; *Provided*, that the tolls so to be collected shall be so regulated that the profits shall not exceed twenty five per cent. on the capital of said company in any one year. Tolls and width of road.

Sec. 11. Be *it further enacted*, That if any person or persons shall refuse to pay the toll, at the time of offering to pass the place or places designated for the collection of tolls, and previous to passing the same, the toll gatherers respectively may refuse a passage to the person or persons refusing to pay; and if any person or persons forcibly or fraudulently pass any gate thereon, without having paid the legal toll; and any and every person or persons who, to avoid paying the legal toll, shall, with his team, carriage or horse, turn out of said road on ground adjacent thereto, and enter again upon such road, any person or persons who shall use said road between the points designated for the collection of tolls, without paying the same, he, she or they shall pay a fine of five dollars, to be recovered, by warrant, before any Justice of the Peace in the county wherein such toll gate or point of collection shall be situated. Refusing to pay toll.

Sec. 12. *Be it further enacted*, That if any person or persons shall wilfully or maliciously injure, or in any manner damage or obstruct, or shall wilfully or maliciously cause or advise any other person or persons to injure, damage or obstruct the said plank road, toll gate or toll houses or any other property or effects of said company, such person or persons, so offending shall be liable to be indicted therefor, and, on conviction, shall be fined or imprisoned at the discretion of the court before which said conviction shall take place and shall further be liable for damage that may be sustained on account of such injury. Penalty for injury.

Accounts.

Sec. 13. *Be it further enacted*, That distinct accounts of the proceedings and disbursements of the board shall be made by them to the annual meetings of the stockholders.

Crossings.

Sec. 14. *Be it further enacted*, That whenever, in the construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of the Board of Directors so to construct the said plank road across such established roads or ways as not to impede the passage or transportation of persons or property along the same; and if, in the construction of said plank road or of any toll gate or toll house, it may become necessary or expedient to use or change any portion of any established road or way, it may be lawful for the Board of Directors to change the said road at points where they may deem it necessary or expedient to do so; and for entering upon, or taking any land therefor, they shall be, and are hereby authorized to proceed, under the provisions of this act, as in case of land necessary for the plank road: *Provided*, that previous to any such change the said company shall make and prepare a road equally good as the one proposed to be substituted; but nothing herein contained shall be so construed as to make it incumbent on said company to keep in repair the portion of road which they may have changed as aforesaid.

Sec. 15. *And be it further enacted*, That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act, and be continued in force for thirty years.

[Ratified 28th January, 1851.]

CHAPTER CXLIX.

AN ACT to incorporate the Fayetteville and Southern Plank Road Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Alfred A. McKethan, John H. Cook, David A. Ray, Charles Benbow, Gurdon Denning, A. A. T. Smith, H. Lilly, E. J. Hale, John R. McIntosh, Daniel McNeill and Archibald S. McKay, together with such persons as now are, or may hereafter be associated with them, their successors or assigns, be, and they are hereby created a corporation and body politic, by the name and style of the "Fayetteville and Southern Plank Road Company;" and by that name and style, may acquire, hold, possess and transfer such real, personal and mixed estates, so far as may be necessary for the purpose of constructing the road herein authorized to be made, or of managing the affairs of said company; and shall have perpetual succession, and a common seal, which they shall have power to alter and renew at pleasure; and shall have and enjoy, and may exercise all the powers, rights, and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as shall be necessary for the well ordering and conducting of the affairs of the company; and by said name, may sue and be sued, plead and be impleaded in any of the Courts of this State. Commissioners and corporate powers.

Sec. 2. Be *it further enacted*, That the capital of said company shall not exceed the sum of twenty five thousand dollars, in shares of fifty dollars each; the payment or securing of the stock of said company to be made under such rules and regulations as may be prescribed by the board of directors hereinafter provided for. The said company shall have power to construct a plank road from the town of Fayetteville, to or near Lumber Bridge Church, in the county of Capital and location.

Robeson; starting from Fayetteville, by the way of Gillespie and Winslow streets, uniting at about three fourths to one and a half miles from said town, equidistant between those two streets; thence crossing Little Rockfish about midway between Rockfish and Beaver Creek Factories; thence to and crossing Big Rockfish at or near Arch'd Black's Bridge; thence to or near Lumber Bridge Church in the county of Robeson.

Sec. 3. *Be it further enacted*, That a general meeting of the stockholders of said company shall be called, at such time and place as may be deemed convenient for the same, by giving public notice in one or more of the papers published in the town of Fayetteville, giving at least two days notice of the time and place of such meeting; that to constitute any such meeting, a number of shares entitled to a majority of votes, which could be given upon all the shares subscribed, shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who do attend shall have the power to adjourn from time to time until a meeting shall be formed.

General meeting.

Sec. 4. *Be it further enacted*, That the subscribers to the stock of said company, at their meeting herein before directed to be called, and the proprietors of stock at every annual meeting thereafter, shall elect nine directors; and the directors, when appointed, shall choose one of their number president, who shall continue in office (unless sooner removed) until the next annual meeting after their election and until their successors shall be elected. But the said directors, or any of them, may at any time be removed, and the vacancy thereby occasioned be filled by a majority of the votes given at any general meeting. The president, with any three or more directors, or in the event of sickness, absence or disability of the president, any four or more of the directors, who may appoint one of their number president *pro tem.*, shall constitute a board for the transaction of business. In cases of vacancy in the board of directors, happening from

Election of directors.

death, resignation or otherwise, such vacancy may be supplied by the appointment of the board until the next annual meeting.

Sec. 5. *Be it further enacted*, That the board of directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction and repairs of the plank road herein authorised to be made; and also to make, purchase and construct all such mills and other works as may be necessary for the construction and well ordering of said road. Powers of directors.

Sec. 6. *Be it further enacted*, That the said board of directors shall have power to make contracts with any person or persons, on behalf of the company, for the construction of said road, and of performing all other things respecting the same which they shall judge necessary and proper; and to require from the stockholders, from time to time, such advances of money, on their respective shares, as the wants of the company may demand, until the whole of their subscription shall be paid; to call, on any emergency, a general meeting of the stockholders, giving at least twenty days notice thereof in one or more of the papers printed in the town of Fayetteville; to appoint such officers as they may deem necessary to transact the business of the company, taking from them at their discretion bond and security for the faithful discharge of their several duties and duly accounting for all the moneys coming into their hands; to appoint such superintendents, managers and toll gatherers as may be necessary, and generally to transact all the business of the company between the general meetings of the stockholders. Further powers.

Sec. 7. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the board of directors it shall and may be lawful for said board of directors to sell, at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving twenty days' previous notice of the time and place of sale, in manner aforesaid; and after retaining the sum due Delinquents.

and all the charges of the sale, out of the proceeds thereof, to pay the surplus over to the former owner or his legal representatives; and if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, then the said board of directors may recover the balance of the original proprietor, or his assignee, or of the executor or administrator, or either of them, by suit in any court of record having jurisdiction thereof, or by warrant before any Justice of the Peace of the county of which he, she or they are residents; and any purchaser of the stock of the company under a sale by order of the board of directors, shall be subject to the same rules and regulations as the original proprietor.

Sec. 8. *Be it further enacted*, That the said board of directors, their officers or agents, may agree with the owners of any land over which the said road is intended to pass, for the purchase and transfer thereof; and in case of disagreement, or if the owners shall be *feme covert*, under age, *non compos mentis*, or out of the State, on application to any two ıtion Justices of the Peace of the county where the lands lie, the ıds. Justices shall issue their warrant to the sheriff of said county to summon eighteen freeholders to meet on the land to be valued, on the day expressed in said warrant, not less than ten, nor more than twenty days thereafter; and the sheriff on the receipt of the warrant, shall summon the freeholders accordingly, and when met, shall draw twelve of them, who, after being duly sworn, shall impartially value the land in question, and consider the damages, if any, the owner thereof may sustain, and the inquisition so taken shall be signed by the jury and countersigned by the sheriff, and returned to the clerk of the county court, to be recorded, and in all cases, the jury is hereby directed to describe the land valued, and such valuation shall be conclusive; and the said board of directors shall pay the sum to the owner of the land valued or his legal representatives, and if neither can be found in this State, or if they refuse to receive the money,

then to the clerk of the county court; and on payment thereof, the said corporation shall be seized in fee of the land as fully and absolutely, as if it had been conveyed to them by the owner.

Sec. 9. *Be it further enacted*, That said Board of Directors, or their agents, may agree with the proprietor or proprietors for any quantity of land they may deem necessary for their purposes, at or near each station or place intended for the collection of tolls, for the purpose of erecting the necessary buildings, gates, &c., intended for the purposes of the company; and in case of disagreement, or of any disability as aforesaid, the same proceeding may be had, and the same conveyance shall follow, as are prescribed in the preceding section: *Provided*, that in cases of disagreement, not more than five acres of land shall be condemned to the use of the company at any one station. Land for toll houses or gates.

Sec. 10. *Be it further enacted*, That it shall and may be lawful for the said board of directors, as soon as five miles are completed, to demand and receive, at convenient toll gates to be by them erected, a reasonable toll from all persons using said plank road, and said road to be made not less than eight, nor more than sixty six feet wide: *Provided*, that the tolls collected shall be so regulated, that the profits shall not exceed twenty five per cent. on the capital of said company in any one year. Tolls &c.

Sec. 11. *Be it further enacted*, That if any person or persons shall refuse to pay the toll, at the time of offering to pass the place or places designated for the collection of tolls, and previous to passing the same, the toll gatherers respectively may refuse a passage to the person or persons, refusing to pay; and if any person or persons forcibly or fraudulently pass any gate thereon, without having paid the legal toll; and any and every person or persons who to avoid paying the legal toll, shall with his team, carriage or horse, turn out of said road on ground adjacent thereto, and enter again upon such road; and any person or persons who shall fraud- Refusal to pay toll.

ulently use said road, between the points designated for the collection of tolls, without paying the same, he, she or they shall pay a fine of five dollars, to be recovered by warrant before any Justice of the Peace in the county wherein such toll gate or point of collection shall be situated.

Penalty for injuries, &c.

Sec. 12. *Be it further enacted*, That if any person or persons shall wilfully or maliciously injure, damage, or obstruct, or shall wilfully or maliciously cause, aid or procure any other person or persons to injure, damage or obstruct the said plank road, toll gate or toll houses, or any other property or effects of said company, such person or persons, so offending, shall be liable to be indicted therefor, and on conviction, shall be fined or imprisoned at the discretion of the court before which said conviction shall take place, and shall be further liable for damages that may be sustained on account of such injury.

Account.

Sec. 13. *Be it further enacted*, That distinct accounts of the proceedings and disbursements of the board shall be made by them to the annual meeting of the stockholders.

Crossing.

Sec. 14. *Be it further enacted*, That whenever in the construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of the board of directors so to construct the said plank road across such established roads or ways, as not to impede the passage or transportation of persons or property along the same; and if, in the construction of said plank road, or any toll gate or toll house, it may become necessary or expedient to use or change any portion of any established road or way, it may be lawful for the board of directors to change the said road or roads at points where they may deem it necessary or expedient to do so; and for entering upon, or taking any land therefor, they shall be, and are hereby authorized to proceed, under the provisions of this act, as in case of land necessary for the plank road: *Provided further*, that previous to any such change, the said company shall make and prepare a road equally good as the one proposed

to be substituted; but nothing herein contained shall be so construed as to make it incumbent on said company to keep in repair the portion of the road which they may have changed as aforesaid, except changing the public road as aforesaid shall make the construction of a bridge or bridges necessary, then and in that case, it shall be the duty of the said plank road company to keep in repair said bridge or bridges, the construction of which became necessary by changing the public road as aforesaid.

Sec. 15. *And be it further enacted,* That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act and be continued in force for thirty years.

[Ratified 28th December, 1850.]

CHAPTER CL.

AN ACT to amend the third section of an act, passed at the present Session of the General Assembly, entitled "an act to incorporate the Fayetteville and Southern Plank Road Company."

WHEREAS, in the fifth line of the third section of an act, passed at the present session of the General Assembly, entitled "an act to incorporate the Fayetteville and Southern Plank Road Company," the word "two:" by mistake, was inserted instead of the word "ten:" therefore,

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That

the aforesaid line and section be so amended as to read "ten" in place of the word "two," as it now stands.

[Ratified 22nd January, 1851.]

CHAPTER CXLI.

AN ACT to incorporate the Garysburg and Occoneeche Plank Road Company.

Commissioners, &c.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be lawful to open books in the town of Jackson, under the direction of Herod Faison, Thomas Bragg, Jr., Henry K. Burgwin, T. Pollock Burgwin and John B. Odum; and at Garysburg, under the direction of Roderic B. Gary, Jos. J. Long, Robert A. Ellis, Wm. H. Gray, Joseph J. Bell and Benjamin F. Person, and at such other places, and under the direction of such other persons as the commissioners hereinbefore mentioned shall direct, for the purpose of receiving subscription to an amount not exceeding twenty five thousand dollars, in shares of fifty dollars each, for the purpose of making a communication, by means of a plank road, from Garysburg to some point in the Occoneeche Neck, to be determined by the said company after they shall have been formed.

Notice, &c

Sec. 2. Be *it further enacted*, That the times and places for receiving subscriptions, shall be published in one or more newspapers printed in this State, and the books for receiving the same shall not be closed in less than ten days, and the said commissioners shall have power to open books from

time to time, as they may think proper, until the sum of twenty five thousand dollars shall be subscribed, or as much thereof as said Commissioners may deem necessary for the completion of said road.

Sec. 3. Be *it further enacted*, That when the sum of twenty five thousand dollars shall be subscribed, or so much thereof as said commissioners may think necessary for the accomplishment of said road, the subscribers, their executors, administrators or assigns shall be, and they are hereby declared to be incorporated into a company, by the name and style of "The Garysburg and Occoneechee Plank Road Company," and by that name shall be capable in law of buying, holding, leasing and conveying estates, both real, personal and mixed, so far as may be necessary for the purposes of said company; and shall have perpetual succession and by said corporate name, may sue and be sued, plead and be impleaded, and may have a common seal, which they shall have power to alter and renew at pleasure; and shall have and may exercise all the powers, rights and privileges, which other corporate bodies may lawfully do for the purposes mentioned in this act, and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as may be necessary for the well ordering and conducting of the affairs of said company. Corporate powers.

Sec. 4. Be *it further enacted*, That upon all subscription of stock as aforesaid, there shall be paid at the time of subscribing, to the said commissioners or to agents appointed to receive such subscriptions, the sum of five dollars on each and every share subscribed; and the residue thereof shall be paid in such instalments and at such times as may be required by the President and Directors of said company. Payments.

Sec. 5. Be *it further enacted*, That the said commissioners or their agents, shall immediately after the first election of President and Directors, pay over to the said President and Directors all moneys received by them for the benefit of

said road; and on failure thereof, the said President and Directors may recover the amount due from them or any one or more of them, by legal process, in the Court of Pleas and Quarter Sessions, or in the Superior Court of law of any county wherein such commissioner or commissioners or agents, their executors or administrators, may reside, or by warrant before any Justice of the Peace of said county.

Commissioners to pay over.

Sec. 6. *Be it further enacted*, That when twenty five thousand dollars of the stock shall be subscribed, or so much thereof as said commissioners may think necessary for the construction of said road, public notice of the fact shall be given by the commissioners, who shall have power, at the same time to call a general meeting of the stockholders at such convenient time and place as they shall designate in their notice.

General meeting.

Sec. 7. *Be it further enacted*, That to constitute any such meeting, a number of persons entitled to a majority of all the votes which could be given upon all the shares subscribed, shall be present, either in person or by proxy, and if a sufficient number to constitute a meeting, do not attend on that day, those who attend shall have power to adjourn from time to time until a meeting shall be formed.

Quorum.

Sec. 8. *Be it further enacted*, That the subscribers, at their first general meeting before directed, and the proprietors of stock at every annual meeting therafter, shall elect a president and seven directors, who shall continue in office, unless sooner removed, until the next annual meeting after their election, and until their successors shall be elected; but the said president and directors, or any of them, may at any time be removed and their vacancy filled by a majority of the votes given at any general meeting. The president, with any three or more of the directors, or in the event of sickness, or absence of the president, any five or more of the directors, who shall appoint one of their own body president *pro tem.*, shall constitute a board for the transaction of business.—In case of vacancy in the office of president or any director,

Election of Directors.

occasioned by death, resignation, or otherwise, such vacancy may be filled by the appointment of the board until the next annual meeting.

Directors' powers.

Sec. 9. *Be it further enacted*, That the president and directors of said company shall be, and they are hereby invested with all the rights and powers necessary for the construction, repairs and maintaining a plank road, to be located as aforesaid, and may cause to be made, and also to make and construct all works whatsoever, which may be necessary and proper to the completion of said road.

Board to contract, require payments, appoint officers, &c.

Sec. 10. *Be it further enacted*, That the said President and directors shall have power to make contracts with any person or persons, on behalf of the company for making the said plank road, and performing all other works respecting the same, which they may deem necessary and proper; and require from the subscribers, from time to time, so much of their subscriptions as they may judge necessary, until the whole amount subscribed is advanced; to call, whenever necessary, a general meeting of the stockholders, giving ten days' notice thereof in one or more newspapers printed in this State; to appoint a treasurer, from among the stockholders, who shall give bond and security for the faithful discharge of his duty, and duly accounting for all the moneys he may receive as treasurer; to appoint a clerk and such agents and toll-gatherers as they may judge necessary; and to transact all the business of the company during the intervals between the general meetings of the stockholders.

Delinquent subscribers.

Sec. 11. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the President and directors, or by a majority of them, within one month after the same shall have been advertised in one or more of the newspapers printed in this State, it shall and may be lawful for the President and Directors, or a majority of them, to sell at public auction, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing, giving one month's previous notice of

the time and place of sale in manner aforesaid, and after retaining the sum due, and all the charges of the sale, out of the proceeds thereof, to pay the surplus over to the former owner or his legal representative; and if the said sale shall not produce the sum required to be advanced, with all the incidental charges attending the sale, then the president and directors may recover the balance of the original proprietor or his assignee, or the executor or administrator, or either of them, by suit in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county of which he is a resident; and any purchaser of the stock of the company, under the sale by the president and directors, shall be subject to the same rules and regulations as the original proprietor.

Extension of road.

Sec. 12. *Be it further enacted*, That if hereafter it may be deemed expedient, by a majority of the stockholders in general meeting, to extend the main stem of said road or run a branch thereof to the town of Jackson, in the county of Northampton, or to some other point in said county, it shall and may be lawful for the board of directors of said company, or a majority of them, to increase, from time to time, the capital stock to an amount not exceeding fifty thousand dollars, by the addition of as many shares as they may deem necessary by opening books at the places, under the direction of the persons and in the manner herein before named; and the subscribers for such additional shares of capital stock of said company are hereby declared to be thenceforward incorporated into the said company, with all the privileges and advantages, and subject to all the liabilities of the original stockholders.

Valuation of land.

Sec. 13. *Be it further enacted*, That the President and Directors, their officers or agents, may agree with the owners of any land, over which the said road is intended to pass, for the purchase thereof; and in case of disagreement, or if the owner shall be *feme covert*, *under age*, *non compos*, or out of the State, on ap-

plication to any two justices of the peace of the county where the lands lie, the justices shall issue their warrant to the sheriff of said county, to summon eighteen freeholders to meet on the land to be valued, on a day expressed in the said warrant, not less than ten, nor more than twenty days thereafter; and the sheriff, on the receipt of the warrant, shall summon the freeholders accordingly; and when met, shall draw twelve of them, who, after being duly sworn, will impartially value the land in question, and consider the damages the owner thereof may sustain; and the inquisition so taken shall be signed by the sheriff and the jury, and returned to the clerk of the county court, to be recorded; and, in all cases, the jury is hereby directed to describe the land valued; and such valuation shall be conclusive; and the president and directors shall pay the sum to the owner of the land valued or his legal representatives; and if neither can be found in this State, or, if they should refuse to receive the money, then to the clerk of the county court; and on payment thereof, the said corporation shall be seized in fee of the land valued, as fully and absolutely as if it had been conveyed to them by the owner.

If road cease to be used.

Sec. 14. *Be it further enacted*, That if at any time hereafter the said plank road or any branch thereof shall cease to be used by said company, for the purposes, and in the manner hereinbefore mentioned, for the space of five consecutive years, then and in that case the land or lands seized and possessed by said company shall revert to the original owner or owners, their heirs and assigns, who shall have the same right and title to said lands, of which he, she or they were seized and possessed at the time of the passage of this act.

Limit of time.

Sec. 15. *Be it further enacted*, That the said plank road company shall commence the construction of said road within five years from the ratification of this act, and shall complete the same within five years from the commencement thereof, and if failing to do so they shall forfeit this charter.

Land for gates, &c.

Sec. 16. *Be it further enacted*, That the President and Directors of said road may agree with the proprietor or proprietors for any quantity of land not exceeding five acres, at or near each place or station intended for collecting tolls, for the purpose of erecting the necessary buildings, gates, and other fixtures necessary for said road; and in case of disagreement, or any of the disabilities aforesaid, as the owner or owners being out of the State, the same proceedings may be had, and the same conveyances shall follow, as are described in the preceding section.

Toll.

Sec. 17. *Be it further enacted*, That it shall and may be lawful for the said president and directors to demand and receive, at some convenient toll gates to be by them erected, a reasonable toll from all persons using said road, or any part thereof, which toll so to be collected, shall be so regulated that the profits shall not exceed twenty-five *per cent.* for any one year.

Width of road.

Sec. 18. *Be it further enacted*, That the said road hereby authorised to be made, by the president and directors, shall not be less than eight, nor more than fifty feet wide; and that so soon as two miles in extent shall have been constructed, it shall and may be lawful for the president and directors of said company to erect a toll gate or gates and collect such tolls from persons using said road or any part thereof as may be determined by the president and directors; and if any person or persons shall refuse to pay the toll at the time of offering to pass the place or places designated for their collection and previous to passing the same, the toll-gatherers respectively may refuse a passage to the person or persons so refusing to pay; and if any person or persons shall pass, ride or drive through any wheel carriage or animal liable to toll, without paying the same, he, she or they shall be liable to a fine of five dollars, which fine may be recovered, by warrant, before any justice of the peace of the county wherein such toll gate may be situated.

Sec. 19. Be *it further enacted*, That if any person or per-

sons shall wilfully or maliciously injure, or in any manner hurt, damage or obstruct, or shall wilfully or maliciously cause, or aid, or assist, or counsel and advise any person or persons to injure, hurt, damage or obstruct, the said Plank Road, toll gate or toll houses, such person or persons so offending, shall be liable to be indicted therefor, and, on conviction, shall be imprisoned or fined at the discretion of the Court before which said conviction shall take place.

Sec. 20. Be *it further enacted*, That whenever, in the construction of said road, it may be necessary to cross or intersect any established road or way, it shall be the duty of the Board of Directors so to construct the said Plank Road across such established road or way, as not to impede the passage or transportation of persons or property along the same. Crossing roads, &c.

Sec. 21. *Be it further enacted*, That the president and directors shall render distinct accounts of their proceedings and disbursements of money to the annual meetings of the stockholders: *Provided*, that if a number of stockholders holding one-fourth in amount of the capital stock of said company, shall ask of the board in writing a call of a general meeting of the stockholders, such meeting shall be called; and to such meeting the president and directors shall make a report similar in all respects to the one required to be made at annual meetings. Accounts.

Sec. 22. Be *it further enacted*, That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act, and continue in force for fifty years.

[Ratified 27th January, 1851.]

CHAPTER CLII.

AN ACT supplemental to the several plank road charters passed at the present General Assembly.

SECTION

1 Requires companies to keep in repair bridges changed by them.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of each and all of the plank road companies heretofore chartered, at the present session of the General Assembly, to keep in repair all such bridges as said plank road companies may be required by their charter to construct, in consequence of any change which any of said plank road companies may make or cause to be made in any public road in this State.

[Ratified 28th January, 1851.]

CHAPTER CLIII.

AN ACT concerning plank roads and turnpike roads.

SECTION

1 Corporations chartered this session shall not invade the dwelling, kitchen, yard, garden or burial ground of any person without his consent.

2 Sheriff to give five days' notice to parties interested in cases of valuing land.

3 Companies to pay costs.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That whenever the President and Directors of any plank road company, or turnpike company, their officers, servants, a-

gents or contractors, shall enter upon the lands or tenements of any person, in order to lay out their road agreeably to the provisions of the charter, it shall not be lawful for them or any of them to invade the dwelling house, kitchen, yard, garden or burial ground of any person, without the consent of the owner thereof, or to cut down or destroy the ornamental trees of any person, without his or her consent. Places not to be invaded,

Sec. 2. *Be it further enacted*, That whenever the sheriff shall summon a jury to value the land of any person to be condemned for the use of any such corporation, and to assess the damages sustained by him, it shall be the duty of the sheriff to give at least five days' notice, in writing, to the parties interested, of the time and place of the meeting of the jurors; and for each notice he shall be allowed a fee of seventy five cents. Sheriff to give notice to parties.

Sec. 3. *Be it further enacted*, That all of the costs incident to the condemnation of the land, and the assessment of the damages as aforesaid, shall be paid by such corporation; and that the two justices of the peace who may issue the warrant to the sheriff or any other two justices of the county in which the lands are situated, after the inquisition is signed by the jury and countersigned by the sheriff, shall have power to render judgment against such corporation for all costs, and to issue execution accordingly. Company to pay costs.

Sec. 4. *Be it further enacted*, That the sheriff, for summoning each juror, shall be allowed a fee of thirty cents, to be charged in the bill of costs and paid by such corporation. Sheriff's fee.

Sec. 5. *Be it further enacted*, That the provisions of this act shall only extend to plank road and turnpike companies, which have been incorporated during the present General Assembly. To what companies applied.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CLIV.

AN ACT to amend an act, passed at the General Assembly of 1848-49, entitled an act to provide for a turnpike road from Salisbury, west, to the line of the State of Georgia.

[Provides for laying off road into sections, and letting them out to the lowest bidders]

Commissioner to lay off section.

SEC. I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the agent of the State, to be appointed by the Governor, under the aforesaid act, "to contract for and superintend the making of said road," to proceed, as soon as may be, to lay off the same, as marked out by the engineer and commissioners, into sections, which, in extent, shall, according to his judgment, best suit the convenience of contractors, varying the distance, so as to produce uniformity, as nearly as may be, in the cost of building the different sections.

Sections to be offered to lowest bidder.

SEC. 2. *Be it further enacted,* That where any number of sections shall have been laid off with a post at the end of each, designating its number, it shall be the duty of the said agent, after giving ten days' notice in a written advertisement, at the court house of the county in which the section may be situated, to proceed to offer the same to the lowest bidder.

Wh're contracts shall be made, &c.

SEC. 3. *Be it further enacted,* That that the contracts shall be made immediately at the place where the work is to be done; and it shall be the duty of the agent, when he is proceeding to sell out any section, carefully to specify the manner in which the same is to be built, taking a memorandum of such specifications of which he shall keep one copy and give another to the contractor.

Toll bridges may be purchas'd.

SEC. 4. *Be it further enacted,* That where there is any toll bridge or toll gate along the route of the Western Turnpike Road, it may be lawful for the county court of the county, in which the same may be situated, a majority of the

justices being present, to appoint threecom missioners, who, after taking an oath to be governed by their judgments, as to the value of the same, shall be allowed to purchase the interest of the individuals or companies owning such bridge or gate for the use of the Western Turnpike Road, and the price shall be paid out of the Cherokee land fund.

[Ratified 28th January, 1851.]

CHAPTER CLV.

AN ACT to amend an act, passed at the session of the Legislature of 1848 and 1849, entitled an act to incorporate the McDowell and Yancy Turnpike Company.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Wm. Murphy, Wm. L. Gill, James H. Greenlee, Milton P. Penland, Wm. Dixon, Dr. J. J. Erwin and Thos. Boker, Esq., be, and they are hereby appointed commissioners, for the purpose of procuring gratuitous subscriptions to the amount of three thousand dollars, which, together with the sum of three thousand dollars, to be raised as hereinafter directed, shall constitute the capital stock of the company hereby incorporated; and it shall be the duty of said commissioners to open books at Marion and Burnsville, and such other places as a majority of them may think proper, on or before the first day of June next, after giving public notice at least twenty days before, of the time and place appointed; and said commissioners shall open books from time to time as they may think proper, until the whole amount of said stock is subscribed. Commissioners, &c.

Amt. to be raised by McDowell & Yancy co. courts.

Sec. 2. *Be it further enacted*, That should the above amount of three thousand dollars not be secured by private subscription, on or before the first day of October next, then, and in that case, the county courts of McDowell and Yancy counties be authorized and empowered to raise such amount of deficiency, by an assessment, in the manner usual for other county purposes, in the proportion of one third for the county of McDowell, and the two thirds of said amount for the county of Yancy, to be collected and paid over to said commissioners by the sheriffs of the respective counties.

Amt. Board of Int. Imp. to pay.

Sec. 3. *Be it further enacted*, That whenever said amount of three thousand dollars is subscribed and secured, to said board, by private subscription, or the assessment of tax actually collected and paid over to said commissioners, then it shall and may be lawful for the Internal Improvement Board, and they are hereby directed and empowered to pay over to said commissoners, under the direction of the Governor, three thousand dollars, the Governor being empowered to appoint a director on the part of the State, who together with the commissioners, shall constitute a board of directors for the survey, location and construction of said road.

Sec. 4. *Be it further enacted*, That said commissioners or a majority of them, shall appoint a president and two directors, one of whom shall be appointed treasurer, who, in connexion with the agent of the State, shall constitute a body corporate, to be known by the name and style of the McDowell and Yancy Turnpike Company, and by that name sue and be sued, plead and be impleaded, in any court of record within this State ; and shall have a common seal, and shall possess and enjoy all the rights and privileges necessary to carry into full effect the objects of this corporation.

Directors and other officers.

Sec. 5. *Be it further enacted*, That when any vacancy shall occur in said board of directors, it shall be the duty of the county courts of the counties of McDowell and Yancy respectively to fill such vacancy, the court of McDowell con-

trolling one, and the court of Yancy two of said appointments; and upon the failure of either of said courts to fill such vacancy, at the first term after it shall occur, then the board shall be authorized to fill such vacancy by a majority of its own members. Vacancies.

Sec. 6. *Be it further enacted*, That in the gratuitous or voluntary subscription for the construction of said road, the subscribers shall be permitted, under the direction of the corporation, to discharge such subscription in work, or under contract upon the same, upon such terms as they or a majority of them may direct. Payment of gratuitous subscriptions.

Sec. 7. *Be it further enacted*, That upon the completion of said road of a suitable width, (say sixteen feet clear of obstructions, except when side cutting may be necessary, in which case it shall be at least fourteen feet wide, and upon a grade of not more than one foot perpendicular, to sixteen feet horizontal,) then it shall and may be lawful for said directors to erect toll gates at suitable distances, and demand and receive the following tolls, (viz:) For man and horse ten cents, for loose horses and mules five cents each, for cattle three cents, and for sheep and hogs one cent each per head; for a six horse wagon seventy-five cents, for a four horse wagon fifty cents, for a wagon drawn by two or three horses twenty-five cents each, for carts twelve and a half cents each, for four wheeled pleasure carriages forty cents, and for buggies, sulkies, barouches or gigs, twenty cents each. Tolls.

Sec. 8. *Be it further enacted*, That the proceeds or tolls first collected from said road, after defraying the necessary expense of collection, and such repairs as the requirements of this act may demand to keep the road in good order, shall first be applied, to reimburse the State, the principal of her stock advanced, together with six per cent. interest on said amount, from the completion of the road and erection of gates, until the whole is refunded. Reimbursement of the State.

Sec. 9. *Be it further enacted*, That whenever it shall appear that the State has been entirely reimbursed for her advancement and interest, agreeable to the foregoing section, then the proceeds to be applied under the direction of the corporation, to reinstate the treasury of the respective counties of Yancy and McDowell; payments to be made to the respective treasurers, (*pro rata*,) upon their advancements, until the whole may be discharged; but neither county to be allowed interest for the use of said funds.

Reimbursement of counties.

Sec. 10. *Be it further enacted*, That so soon as the State shall have received the full amount of her stock, together with the interest as by this act directed, and the respective treasurers of the counties of McDowell and Yancy, the amount of their advancements, without interest, then it shall be the duty of said board of directors, and they are hereby required, to declare the corporation dissolved, and throw said gates open to the full and free enjoyment of the community.

Corporation when dissolved.

Sec. 11. Be *it further enacted*, That all persons who, by the laws of this State, are bound to work on the public high ways, and may live within the bounds of this State and within two miles of said road, shall be compelled to work three days in each and every year upon said road, under the direction of the corporation; in consequence of which work, the citizens of such county shall be permitted to pass, free of toll, upon said road.

Work on road.

Sec. 12. *Be it further enacted*, That for the voluntary neglect or refusal to remove all obstructions to the free passage of this road, or to keep the same in good order for the space of thirty days at any one time, the president and directors shall be subject to indictment in the Superior Court of the county, where such voluntary neglect or refusal may occur, and also to a civil action for damages by any person or persons aggrieved.

Penalty.

Sec. 13. *Be it further enacted*, That any person attempting to evade the provisions of the seventh section of

this act, by avoiding said gates, or by the opening of ways around to avoid the toll, or in any manner assisting to defeat the purpose of the same, shall be liable to indictment, and, upon conviction, be fined at the discretion of the court, not less than five, nor more than fifty dollars. Evasions.

Sec. 14. Be *it further enacted*, That the provisions of the act of Assembly 1848–'9 incorporating the Yancy and McDowell Turnpike Company, which grants to said company on the conditions therein named three thousand dollars from the proceeds of the sales of the State lands, be, and the same is hereby repealed. Repealing clause.

[Ratified 15th January, 1851.]

CHAPTER CLVI.

AN ACT to repeal an act passed at the session of 1848–'9, entitled "an act to amend the charter of the Hickory Nut Turnpike Company."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That an act, [passed] at the session of the General Assembly, held in 1848–'9, entitled "an act to amend the charter of the Hickory Nut Turnpike road," be, and the same is hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER CLVII.

AN ACT to repeal an act, entitled "An Act to amend an act to incorporate the Hickory Nut Turnpike Company," passed at the session of the General Assembly, 1848–'49.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the above recited act be, and the same is hereby repealed.

[Ratified 17th January, 1851.]

CHAPTER CLVIII.

AN ACT concerning a Turnpike road from Lake Pungo, to the town of Plymouth, in Washington county.

Preamble

WHEREAS, resolutions were passed at the sessions of the General Assembly of this State, in 1846–47 and 1848–49, making appropriations for a turnpike road from Plymouth to Pungo Lake, more effectually to bring into market the public lands in the counties of Hyde and Washington; and whereas said road has not yet been made: Therefore,

Lit. Bd. to give notice of the letting out of contracts.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same,* That the President and Directors of the Literary Fund are authorized and required to give due notice of the letting out of the contract or contracts for the making of said road, in such manner as may give it sufficient publicity; and that the said letting out take place publicly, in the town of Plymouth, on some day between the first of April and

the first of July, 1851; and if not done in that time, as soon thereafter as practicable; and that it be done in such manner as they may deem best calculated to insure the accomplishment of said work. Time and place of letting.

Sec. 2. *Be it further enacted*, That said president and directors may, if in their discretion they think proper, appoint three commissioners, a majority of whom may act, who, after being duly sworn to perform the duties assigned them, with their best skill and ability, and without partiality, shall have full power and authority to carry into execution the provisions of said resolutions, as also the provisions of the first section of this act, as effectually as the said president and directors are thereby authorized to do. Commissioners.

Sec. 3. *Be it further enacted*, That in case of failure on the part of any of the commissioners appointed under the authority of the second section of this act, to accept and serve, said president and directors are authorized to supply his or their place or places by the appointment of others, subject to the same rules and regulations as herein before set forth for said commissioners; and it shall be the duty of the first or any subsequent commissioners so appointed, to signify his or their intention of serving or not serving, to said president and directors, within ten days after being informed of his or their appointment. Vacancies, &c.

Sec. 4. *Be it further enacted*, That it shall be the duty of the president and directors, or commissioners as aforesaid, to make known, at the time of letting out the contract or contracts of said road, what proportion of the appropriations under the said resolutions has been expended; what amount is yet to be expended, and such other facts as they may be in possession of in relation thereto. Board to make known certain facts.

Sec. 5. *Be it further enacted*, That if the president and directors or commissioners as aforesaid cannot agree with the owners of land, over which said road will pass, or for land whereon to erect houses for the use of hands employed

thereon, or for earth for use of said road, or if the owner be a *fe me covert*, *under age*, *non compos*, or out of the State, then, on application to two justices of the peace of the county wherein the lands lie, they shall issue their writ to the sheriff of said county, commanding him to summon a jury of eighteen freeholders of his county, of reputation and not interested, within twenty days, who, after meeting on the premises, and twelve of them being duly drawn, and sworn by the sheriff to act impartially, shall proceed to lay off and value the land required for the construction of said road, and the damages the owner or owners will sustain by reason of the same; and such inquisition, so taken, shall be returned, under their hands and seals, into the next court of pleas and quarter sessions of said county, issuing said inquisition; and upon paying the amount so assessed to the owner of the land or his or their guardian, or into the office of the clerk of said court by the said president and directors or commissioners, it shall and may be lawful for them, or the contractor or contractors to enter upon the land so laid off, and use and construct the said road thereon; and the said road so constructed shall be held, deemed and used as a public highway.

Valuation of land.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CLIX.

AN ACT to amend an act, passed at the session of the General Assembly of 1848—1849, entitled "An Act to incorporate the Greensboro' and Mount Airy Turnpike Company."

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the third section of said act be, and the same is hereby so amended that the said company may so grade their road that no part of the same shall rise, in ascending any hill or mountain, more than one foot in fifteen, instead of twenty as by said act required. Grade of road.

Sec. 2. *Be it further enacted*, That when any lands or right of way may be required by said company, for the purpose of constructing their road, and for the want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by five commissioners, or a majority of them, to be appointed by any court of record having common law jurisdiction in the county where some part of the land or right of way is situated. In making the said valuation, the said commissioners shall take into consideration the loss or damage which may accrue to the owner or owners in consequence of the land or the right of way being surrendered, and the benefit and advantage he, she or they may receive from the erection or establishment of the road or work, and shall state particularly the value and amount of each; and the excess of loss and damage, over and above the advantages and benefit, shall form the measure of valuation of said land or right of way: *Provided, nevertheless*, that if any person or persons, over whose land the road may pass, should be dissatisfied with the valuation of said commissioners, then and in that case, the person or persons so dissatisfied may have an appeal to the superior court, in the county Valuation of land.

where the said valuation has been made, or in either county in which the land lies, when it may lie in more than one county, under the same rules, regulations and restrictions as in appeals from judgments of justices of the peace. The proceedings of said commissioners, accompanied with a full description of said land or right of way, shall be returned, under the hands and seals of a majority of the commissioners, to the court from which the commission issued, there to remain a matter of record. And the land or right of way so valued by said commissioners, shall vest in said company, so long as the same shall be used for the purposes of said road, so soon as the valuation may be paid, or when refused, may have been tendered: *Provided*, that on application for the appointment of commissioners, under this section, it shall be made to appear to the satisfaction of the court that at least five days previous notice has been given by the applicant to the owner or owners of land so proposed to be condemned, or if the owner or owners be infants or *non compos mentis*, then the guardian of such owner or owners, if such guardian can be found within the county, or, if he cannot be so found, then such appointment shall not be made, unless notice of the application shall have been published at least one month next preceding, in some newspaper printed as convenient as may be to the court house of the county, and shall have been posted at the door of the court house, on the first day at least of the term of said court to which the application is made: *Provided further*, that the valuation provided for in this section shall be made on oath, by the commissioners aforesaid, which oath any justice of the peace or clerk of the court of the county in which the land, or a part of it, lies, is hereby authorized to administer: *Provided further*, that the right of condemnation herein granted shall not authorize the said company to invade the dwelling house, yard, garden or burial ground of any individual without his consent.

Sec. 3. *Be it further enacted*, That the right of said company to condemn land, in the manner described in the

second section of this act shall extend to the condemning of twenty feet on each side of the main track of the road, measuring from the centre of the same, unless in case of deep cuts and fillings, when said company shall have power to condemn as much in addition thereto, as may be necessary for the purpose of constructing said road. Land for road.

Sec. 4. Be *it further enacted*, That in the absence of any contract or contracts with said company, in relation to lands through which the said road or its branches may pass, signed by the owner thereof or his agent, or any claimant or person in possession thereof, which may be confirmed by the owner thereof, it shall be presumed that the land upon which the said road or any of its branches may be constructed, together with a space of twenty feet on each side of the centre of the said road, has been granted to the said company by the owner or owners thereof; and the said company shall have good right and title thareto, and shall have, hold and enjoy the same as long as the same shall be used for the purposes of said road, and no longer, unless the person or persons owning the said land, at the time that part of the said road which may be on the said land was finished, or those claiming under him, her or them, shall apply for an assessment of the value of said land, as hereinbefore directed, within two years next after that part of said road which may be on the said land, was finished; and in case the said owner or owners, or those claiming under him, her or them, shall not apply within two years next after the said part was finished, he, she or they shall be forever barred from recovering said land, or having any assessment or compensation therefor: *Provided*, nothing herein contained shall affect the rights of *feme coverts* or infants, until two years after the removal of their respective disabilities. In the absence of contracts, lands to be regarded as grant'd.

[Ratified 27th January, 1851.]

CHAPTER CLX.

AN ACT to incorporate the Tuckasega and Nantihala Turnpike Company.

Commissioners, &c.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That it shall be lawful to open books in the counties of Haywood, and Macon and Cherokee, under the direction of Scroop Enloe and George F. Mason; in the county of Haywood, under the direction of Mark Coleman, Noah Barchfield, David Shuler, and John Dehart, of the county of Macon, and William Walker, and Joseph J. Young, of the county of Cherokee, or any two of them, for the purpose of receiving subscriptions for the construction of a turnpike road, to commence at Nathan Dehart's, on the Tennessee river, within the county of Macon, and extend across said river, at the ford near to said Dehart's dwelling house; and thence, up Nantihala river, to the top of the mountain at the low gap between the waters of Nantihala and Valley river, the route to be followed and the points of communication between said places to be determined by said company, after the same shall have been formed.

Notice of opening books &c.

Sec. 2. *Be it further enacted,* That the times and places of receiving such subscriptions of stock shall be advertised in three public places in each of said counties; and the said commissioners shall have power to open books, from time to time, as they shall think proper, until the whole of the capital stock of five thousand dollars, in shares of five dollars each, is taken.

Corporate powers.

Sec. 3. *Be it further enacted,* That when the sum of five hundred dollars shall be subscribed for, in the manner aforesaid, the subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a company by the name an style of "The Tuckasega and Nantihala Turnpike Company," and by that name

shall be capable, in law, of purchasing, holding, selling, leasing and conveying estates, real, personal and mixed, so far as may be necessary for the purposes of said company, either in constructing said road or managing the affairs of the company; and shall have perpetual succession; and, by said corporate name, may sue and be sued; and may have a common seal, which they shall have power to alter and renew at pleasure, and shall have and enjoy, and may exercise all the powers, rights and privileges which other corporate bodies may lawfully do, for the purposes mentioned in this act; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State, as shall be necessary for the well ordering and conducting the affairs of said company.

Payments.

Sec. 4. *Be it further enacted*, That upon any subscription of stock as aforesaid, there shall be paid, at the time of subscribing, to the said commissioners, or their agents appointed to receive such subscriptions, the sum of fifty cents on every share subscribed; and the residue thereof shall be paid or secured in such manner and at such time or times as may be required by the board of directors of said company.

General meeting.

Sec. 5. *Be it further enacted*, That when the said sum of five hundred dollars shall have been subscribed, public notice of that event shall be given at three public places in the said counties of Haywood, Macon and Cherokee, and it shall, at the same time, be the duty of the commissioners to appoint a time and place for the meeting of the stockholders, which shall be named in the notice.

President and other officers.

Sec. 6. *Be it further enacted*, That it shall be the duty of the stockholders, at their general meeting, to elect their president, treasurer and three directors, out of their own number; and it shall be the duty of the said president, treasurer and directors, before entering upon the discharge of their duties, to take an oath, before some justice of the peace, for the due performance of their duties.

Sec. 7. *Be it further enacted*, That the election of pres-

Votes, &c. ident, treasurer and directors shall be by ballot, each stockholder having as many votes as he has shares in the stock of said company; and the persons having a majority of the votes polled, shall be considered duly elected: And at all elections and upon all votes taken in any meeting of the stockholders, upon any by-law or any of the affairs of the company, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and proxies may be verified in such manner as the by-laws of the company may prescribe; and the majority of the stockholders, by a vote as aforesaid, shall have power to remove from office the president, treasurer and directors, or either of them, and to appoint others in their stead, at any time they may deem such removal necessary.

Sec. 8. *Be it further enacted*, That to constitute such meeting, a majority of the stockholders shall be present, either in person or by proxy; and if a sufficient number to constitute a meeting do not attend on that day, those who attend shall have the power to adjourn from time to time, until a meeting shall be formed.

Quorm.

Sec. 9. *Be it further enacted*, That the stockholders, at such general meeting, and at every annual meeting thereafter, shall elect a president, treasurer and three directors, who shall continue in office until the next annual meeting of the stockholders as aforesaid, and until their successors shall be elected: the president and two or more directors shall constitute a board for the transaction of business of the company; the president shall and may appoint, in writing, any one of the directors to act as president *pro tem.* during his absence, and such appointee of the president shall have all the rights and powers of the president during his absence.—In case of a vacancy in the board of directors, happening from death, resignation or otherwise, such vacancy shall be supplied by the appointment by the board of directors, any of the stockholders, who shall act until the next general meeting of the stockholders.

Election of Directors.

Sec. 10. *Be it further enacted*, That the said company shall be, and are hereby invested with all the rights and powers necessary for the construction, repairs and maintaining of said road; and said board of directors shall have power to make contracts with any person or persons, on behalf of the company, for making the said road, and performing all other things respecting the same which they shall deem necessary and proper; and to require from the subscribers, from time to time, such instalments on their stock, as they may deem necessary for the purposes of the company, until the whole of their subscriptions shall be paid; to call, on any emergency, a general meeting of the stockholders, giving one month's notice, by advertisement, at three public places in each county; to appoint such officers as they may deem necessary to transact the business of the company, taking from them bond and sufficient security for the faithful discharge of their several duties, and duly accounting for all monies coming into their hands; and generally to transact all the business of the company between the general meetings of the stockholders. Powers of Directors.

Sec. 11. *Be it further enacted*, That if any stockholder shall fail to pay the sum required of him by the board of directors, or by a majority of them, within one month after the same shall have been advertised in three public places, in each of said counties, it shall and may be lawful for said board of directors, or a majority of them, having first notified the defaulting stockholder in writing of their intention so to do, to sell, at public action, and to convey to the purchaser, the share or shares of such stockholder so failing or refusing to pay; and, after retaining the sum due and all the expenses of the sale out of the proceeds thereof, to pay the surplus over to such stockholder or to his legal representatives; and if the said sale shall not produce the sum required, with all incidental charges attending such sale, then the said board of directors may recover the balance of the original Delinquents.

proprietor, or his assignee, or the executor or administrator, or either of them, by suit in any court of record having jurisdiction thereof, or by warrant before any justice of the peace of the county of which he is a resident; and any purchaser of the stock of the company, under a sale by the order of the directors, shall be subject to the same rules and regulations as the other proprietors.

Valuation of land.

Sec. 12. *Be it further enacted*, That said company, by their officers or their agents, may agree with the owners of any land, over which said road is intended to pass, for the purchase of the right of way, and also for the purchase of suitable locations for their toll houses, toll gates and other necessary buildings: the land for such road shall not exceed one hundred feet in width, and the land for their buildings shall not exceed five acres in any one place; and in case of disagreement with the owner of such land, or if the owners be *feme coverts*, *non compos*, under age, or out of the State, said company, by their officers or agents, may apply to any justice of the peace for the county in which the land is situated, who shall thereupon issue his warrant to the sheriff of said county, to summon six freeholders, to meet on the land to be valued, on a day to be expressed in such warrant, which shall be within ten days from the issuing thereof; and the sheriff, upon the receipt of any such warrant, shall summon such freeholders accordingly, and, when met, provided as many as three be present, he shall administer an oath to them that they will impartially estimate the value of so much of said land as may be requisite for the road way or for the site for any buildings or erection, required by said company, as the case may be; the width for such road way, and the land for such sites for any building or erection, to be and contain the maximum quantity of land which said company is by previous provisions of this section authorized to acquire.

Sec. 13. *Be it further enacted*, That all the lands on which the road may be located, not heretofore granted or

sold by the State, within one hundred feet of the centre of said road, to be constructed by the company hereby authorized, shall vest in the company as soon as the survey of the road is completed.

Sec. 14. *Be it further enacted*, That the hands liable to work upon public roads, who reside in three miles of said road, on either side, shall be required to perform six days labor, under the direction of the company, in each and every year, and to be liable to the same fine and penalties as other hands are liable to, for failing to work upon public roads: *Provided, however*, that the laborers shall have the same notice or warning, from some agent of the company, as overseers are now by law required to give; and the performance of the above labor shall exempt said hands from working upon all other public roads. Hands to work on road.

Sec. 15. *Be it further enacted*, That the turnpike road hereby authorized, shall be of the following description, to wit: fifteen feet wide, except where there is side cutting, in which portion of the road it shall be twelve feet wide, except where it may become necessary to carry it around precipitous promontories, it shall be ten feet wide; and the grade or inclination of said road shall not exceed, in the steepest places, one foot in sixteen. D'scripti'n of road.

Sec. 16. *Be it further enacted*, That the said company, after locating the road as aforesaid, shall have power, first, to open it for the passage of stock agreeably to the following descriptions: eight feet wide, free of obstructions, except where there is side cutting, in which portion of the road it shall be four feet besides breast works, and the timber shall be cut away eight feet; and as soon as the said road shall have been completed as above described for the passage of stock, it shall and may be lawful for the president and directors of said company to appoint a gate keeper and to erect a toll gate on said road, and to demand and receive the following toll, (to wit:) on every horse or mule, with a rider, ten cents; without a rider, five cents; on every head of cat- Tolls, &c.

tle, five cents; on hogs and sheep, three cents each; and if any person or persons shall refuse to pay the tolls, at the time of offering to pass the place or places designated by the company for their collection, the gate keeper may refuse a passage to such person or persons; and if [any] person or persons force their passage through, or go round said gates, without the payment of the tolls required by this act, [such] person or persons shall be liable to the payment of five dollars, each, for every such offence, to be sued for by the gate keeper, in the name of the company, by warrant, before any justice of the peace having jurisdiction thereof.

Additional tolls.

Sec. 17. *Be it further enacted*, That the said company may, at any time within ten years, complete the said road as required by the 15th section of this act, and receive thereafter the following additional tolls, (to wit:) on every four wheeled carriage of pleasure, one dollar; on every gig or sulky, seventy-five cents; on every six horse wagon, seventy five cents; on every five horse wagon, sixty two and a half cents; on every four horse wagon, fifty cents; on every three horse wagon, thirty seven and a half cents; on every two horse pedler's wagon or cart, twenty-five cents; on each and every animal designed for public exhibition, one dollar; and if any person or persons shall force a passage through or drive round, without paying the tolls required by this act, such person or persons shall be liable to a fine of five dollars each, for every such offence, to be sued for and recovered under the 16th section of this act: *Provided, however*, That nothing herein contained shall authorize said company to collect any of the tolls aforementioned of any person or persons who now reside, or may hereafter reside within three miles of said road on either side.

Notice.

Sec. 18. *Be it further enacted*, That notice to the president and directors of said company, or either of them, shall be regarded as notice to the company.

Sec. 19. *Be it further enacted*, That this act shall be in

force, from and after the ratification thereof, and shall be regarded as a public act and continue in force for fifty years.

[Ratified 28th January, 1851.]

CHAPTER CLXI.

AN ACT to incorporate Tuckasegee and Keowee Turnpike Company.

Section 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That for the purpose of constructing a turnpike road, from a point on the Western Turnpike Road, recently located between Allen Fisher's store and Tuckasegee river, in the county of Haywood, so as to unite with the road to be constructed by the Keowee Turnpike Company, at the South Carolina line, the formation of a corporate company is hereby authorized, to be called "The Tuckasegee and Keowee Turnpike Company," which company, when formed as hereinafter prescribed, shall have a corporate existence as a body politic in said State, fifty years from the completion of said turnpike road. Location of road.

Sec. 2. *Be it further enacted,* That for the purpose of creating the capital stock of said company, the following persons be, and the same are hereby appointed, commissioners, viz: Allen Fisher, John B. Love, Daniel Bryson, Benjamin Harris, John B. Allison, William H. Bryson, P. S. Davis, John Davis, William Hooper, Nathan Conard, William Brown, Andrew Zachery, and James M. Kinney, whose duty Commissioners, &c.

it shall be to direct the opening of books for subscription of stock, at such times and places, and under the direction of such persons, as they, or a majority of them, may deem proper.

Corporate powers.

Sec. 3. *Be it further enacted*, That the subscriptions of stock shall be in shares of twenty dollars each, and as soon as the sum of two thousand dollars shall have been subscribed to the capital stock, the company shall be regarded as formed, and thenceforth the subscribers of the stock shall form a body politic and corporate, in this State, for the purposes aforesaid, by the name and style of "The Tuckasegee and Keowee Turnpike Company," and by that name may sue and be sued, plead and be impleaded, in any court of law and equity in this State; and may have and use a common seal, which they may alter and renew at pleasure; and shall have and enjoy all other rights and privileges which other corporate bodies may and of right do exercise; and make all such by-laws, rules and regulations as are necessary for the government of the corporation, or effecting the object for which it was created, not inconsistent with the constitution and laws of the State.

General meeting—election of directors.

Sec. 4. *Be it further enacted*, That it shall be the duty of the said commissioners, or a majority of them, appointed under the second section of this act, as soon as the sum of two thousand dollars shall have been subscribed, in manner aforesaid, to appoint a time for the stockholders to meet at said Fisher's store, after having given at least twenty days' public notice, at which time and place a majority of the stockholders being represented, either in person or by proxy, shall proceed to elect a president, treasurer and four directors out of the number of stockholders; and the said directors, or a majority of them, shall have power to perform all other duties necessary for the government of the corporation and the transaction of its business. The persons elected directors shall serve such period, not exceeding one year, as the stockholders may direct; and the stockholders shall

fix on the day and place or places, when the subsequent election of president, treasurer and directors shall be held; and such election shall thenceforth be annually made, but if the day of the annual election should, under any circumstances pass without the election of officers, the officers formerly elected shall continue in office until their successors are appointed.

Sec. 5. *Be it further enacted*, That the election of president, treasurer and directors shall be by ballot, each stockholder having as many votes as he has shares in the company, and the persons having a majority of the stock polled, shall be considered duly elected. And at all elections, and upon all votes taken in any meeting of the stockholders, on any of the affairs of the company, each share of stock shall be entitled to one vote, to be represented either in person or by proxy, and proxies may be verified in such manner as the by-laws of the company may prescribe. Votes.

Sec. 6. *Be it further enacted*, That the board of directors may fill all vacancies which may occur in it, during the period for which they have been elected, and in the absence of the president, may appoint a president, *pro tempore*, to fill his place, from among the stockholders. Vacancies.

Sec. 7. *Be it further enacted*, That the board of directors may call for the sums subscribed as stock, in said company, in such instalments as the interest of the company may require; the call for each payment shall be published in such a manner as may be agreed upon by the stockholders, and at least one month's notice shall be given upon the day of payment; and on failure of any stockholder to pay each instalment as thus required, the directors may sell, at public auction, on previous notice of ten days, for cash, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if the said sale of stock do not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder to the company for such subscrip- Payments.

tion of stock, then and in that case the whole of such balance shall be held as due at once to the company, and may be recovered of such stockholder or his executors or administrators [or] assigns, at the suit of said company, either by summary action in any court of superior jurisdiction in the county where the delinquent resides, on previous notice of ten days to said subscriber, or by warrant before any justice of the peace when the sum does not exceed one hundred dollars; and in all cases of the assignment of stock before the whole amount has been paid to the company, then for all such sums due on such stock, both the original subscribers and the first and all subsequent assignees shall be liable to the company, and the same may be recovered as above recited.

Certific'tes and transfer.

Sec. 8. *Be it further enacted*, That said company shall issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by-laws of the company.

Increase of capital.

Sec. 9. *Be it further enacted*, That said company may at any time increase its capital stock to ten thousand dollars, or to a larger sum, if necessary to complete said road, either by opening books for subscription of new stock, or borrowing money on the credit of the company.

Powers of board.

Sec. 10. *Be it further enacted*, That the said president and directors, or a majority of them, shall, on behalf of the corporation, have power and authority to agree with any person or persons, for constructing or improving said road, or any part thereof; and the said president and directors may appoint a clerk and such managers and servants as they may deem necessary, any of whom as well as the treasurer, they may remove at pleasure and appoint others in their stead, until the next general meeting of the stockholders; and the president and directors, before commencing upon the performance of their duties, shall take an oath or affirmation for the performance of their duties.

Sec. 11. *Be it further enacted*, That the said turnpike

road hereby authorized shall be made by the president and directors of the following descriptions, viz: twenty feet wide except where there is side cutting; in such place it shall be sixteen feet wide; and in no part of the road shall the grade exceed one foot perpendicular for every sixteen feet horizontal.

Crossing roads.

Sec. 12. *Be it further enacted*, The company shall have the right, when necessary, to construct the said road across any public road, or along the side of any public road: *Provided*, that the said company shall not obstruct any public road without first constructing one equally as good and as convenient.

Valuation of land.

Sec. 13. *Be it further enacted*, That when any lands or rights of way may be required by said company, for the purpose of constructing the said road, and for want of agreement as to the value thereof, or from any other cause, the same cannot be purchased from the owner or owners, the same may be taken at a valuation to be made by twelve freeholders to be appointed as follows, viz: on application being made by the company to any justice of the peace for said county, it shall be his duty to issue a warrant to the sheriff of said county, to summon a jury of at least twelve freeholders, to meet on the land on a day expressed in said warrant, not less than ten, nor more than twenty days thereafter; and the sheriff, on the receipt of the warrant, shall summon the jury, and, when met, shall administer an oath or affirmation to them, if twelve appear, viz: that they will impartially value the land in question; that they shall take into consideration the loss or damage that may occur to the owner or owners, in consequence of the right of way to the land being surrendered, and the benefit and advantage he, she or they may receive from the erection of said road; and the excess of loss and damage over and above the advantage and benefit, shall form the measure of valuation for the right of way. The proceedings of said jurors, accompanied with a full description of the said land or right of way, shall be returned,

under the hands and seals of a majority of the jurors, to the justice of the peace who issued the warrant, or some other justice of the Peace of said County, to be by him returned to the county court clerk, there to remain as a matter of record. And on the payment of said valuation, the lands or right of way so valued by the jurors shall vest in the said company so long as the same shall be used for the purposes of the said turnpike road: The said company shall have power, in like manner, to condemn any quantity of land, not exceeding four acres at or near the place or places for collecting the tolls allowed by this act: *Provided, nevertheless*, that if any person or persons over whose lands the road may pass, or whose land may be condemned for the use of the company, should be dissatisfied with the valuation of said jurors, or the company should be dissatisfied, either party may have an appeal to the superior court of the county where the land lies.

Land to vest in company.

Sec. 14. *Be it further enacted*, That all lands on which the Road may be located not heretofore granted by the State, within one hundred feet of the centre of the Road which may be constructed by the said Company, shall vest in the Company as soon as the line of Road is definitely laid out through it, and any grant of said land thereafter shall be void.

Public highway.

Sec. 15. *Be it further enacted*, That the said Road, with the improvements which may be made thereon in pursuance of said act, shall be taken and considered as a public highway, free for the passage of all persons, animals, and carriages of every description, on payment of the tolls imposed by this act; and no higher toll or tax, for the use of said Road, shall at any time thereafter be imposed, without the consent of the Legislature.

Hands to work on road.

Sec. 16. *Be it further enacted*, That all hands able to work on public roads residing within two miles on either side of said road, from the Western Turnpike Road where it commences, to the South Carolina line, shall be liable to do

six days work in each and every year upon said turnpike road, under the direction of the president and directors of said company; and the hands within the limits aforesaid, who shall not, when warned, as in other cases, attend and work on the said road, shall be liable to the same fines and penalties, and recovered in the same manner that fines are now collected from persons for failing to work on public roads in this State: *Provided*, that the hands within the limits aforesaid shall not be compelled to do more than two days work on said road in any one month.

Survey of road.

Sec. 17. *Be it further enacted*, That the said company, when formed, shall have authority to employ a competent engineer, or some other suitable person, to survey said road; and after an examination of the different routes, a majority of the stockholders may determine upon that route deemed most practicable for the location of said road; and the said company shall have power afterwards, by the consent of a majority of the stockholders, to change the location of said road, should they deem it necessary, by obtaining the right of way and making compensation for damages as provided for in the 13th section of this act.

Tolls.

Sec. 18. *Be it further enacted*, That as a compensation to the said stockholders, for constructing and keeping said road in repair, and erecting toll gates and other neccessary works, the profits of said road are hereby vested in them, their heirs, executors, administrators or assigns, as tenants in common, for the term of fifty years, to be computed from the time that said road shall be completed; and the same shall be exempt from paying any tax whatsoever; and it shall and may be lawful for the president and directors, during the said term, to demand and receive, at some convenient toll gate or gates to be by them erected, the following tolls, viz: on every four wheeled carriage of pleasure, one dollar; every gig or sulkey, fifty cents; on every six horse wagon, one dollar; and on every five horse wagon, one dollar; on

every four horse wagon, seventy-five cents; on every three or two horse wagon, fifty cents; on every pedlar's wagon, seventy five cents; on every road cart, fifty cents; on each horse or mule without a rider, three cents; on every head of cattle, three cents; on sheep and hogs, each, two cents; on every animal designed for exhibition, one dollar; travelers on horseback, ten cents, each; and if any person or persons shall refuse to pay said tolls, at the time of offering to pass the places designated for their collection, the toll gatherers may refuse a passage to the person or persons so refusing; and if any person or persons shall pass through or drive around any toll gate, any wheeled carriage or animals liable to toll, without paying the same, shall be liable to a fine of ten dollars, to be recovered by warrant before any justice of the peace of the county wherein such toll gate may be situated: *provided*, that nothing contained in this act shall render any citizen, residing within the limits of the new county of Jackson, liable to pay the above tolls, after he shall have resided twelve months in said county: *Provided further*, that if any person shall pass any toll gate, on said road, by means of falsely representing himself as having been a citizen of said county twelve months, he shall be liable to a fine of ten dollars, for every such offence, to be sued for and recovered in the name of the company as above provided for.

When ⅓ of road is built, &c

Sec. 19. *Be it further enacted*, That as soon as one third of said road shall be completed, agreeable to the specifications in the eleventh section of this act, it shall and may be lawful for the president and directors of said company to erect a toll gate and collect one third of the tolls imposed by the 18th section of this act, and in like proportion for a greater extent of said road.

Toll to S. C. line.

Sec. 20. *Be it further enacted*, That all persons and property subject to tolls, passing on that portion of said road between the point where the road leading up Walnut creek, from the village of Franklin, intersects it, to the South Car-

olina line, shall only be liable to pay toll in proportion to the distance they may travel said turnpike road.

Sec. 21. *Be it further enacted*, That notice of process upon the principal agent of said company or the president or any of the directors thereof, shall be deemed and taken to be due and lawful notice of service of process. Notice of process.

Sec. 22. *Be it further enacted*, That this act shall be in force from and after its ratification, and shall continue in force from and after the completion of said road, fifty years, be regarded as a public act, and the road hereby authorized to be made shall be a public highway.

[Ratified 28th January, 1851.]

CHAPTER CLXII.

AN ACT to incorporate the Rich Mountain Turnpike Company, in the county of Haywood.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That Robert Penland, Sr., Matthew Rodgers, Henry Brown, Pernell Rathbone, Peter Noland, Matthew Russell, James Green, John D. Howell, Daniel Byers, Spencer Walker, David V. McCrackin, John Mull, Jesse McGee, Thomas Ferguson, Cyrus Rodgers and Cyrus Crawford, be, and they are hereby appointed commissioners to open books and receive subscriptions to the amount of three thousand dollars, which sum shall constitute the capital stock of the company hereby incorporated; and it shall be the duty of the commissioners to open books at Hill's store, on Crabtree, Commissioners, &c

and at Robert Penland's, on Fine creek, and at such other places, in the county of Haywood, as a majority of them may think proper, on or before the first day of June next; after giving due notice of the time and place, by public advertisement, at least twenty day's previous; and said commissioners shall open books, from time to time, as they may think proper, until said stock is subscribed.

Shares and descriptn of road.

Sec. 2. *Be it further enacted*, That the capital stock as aforesaid, shall be divided into shares of twenty five dollars each, which shall be applied in laying out and making a turnpike road from Hiram McCracken's mill, on Crabtree, *via* Matthew Rodgers', on Fine creek, Haywood county, to the Tennessee line, the nearest and most practicable route; and that the said road shall be made fifteen feet wide, clear of obstructions, except where side cutting may be necessary, in which case the road may be twelve feet wide, and shall be so graded as not to rise more than one foot in ten.

General meeting.

Sec. 3. *Be it further enacted*, That as soon as the sum of three thousand dollars shall be subscribed, it shall be the duty of the commissioners to call a general meeting of the stockholders, at Hill's store, on Crabtree; and if a majority of the stockholders shall attend, it shall and may be lawful for them to appoint a president, treasurer and three directors, who shall hold their office one year and until their successors are appointed; and the said president, and treasurer and directors, when so appointed, and their successors in office, shall continue a body politic and corporate, in law, by the name and style of "The Rich Mountain Turnpike Company," and by that name may sue and be sued, plead and be impleaded, in any court of record within this State; and as such shall have perpetual succession and a common seal, and shall have and possess all the rights and privileges necessary to carry into full effect the object of the corporation.

Votes.

Sec. 4. *Be it further enacted*, That the number of votes to which any stockholder may be entitled, shall be according to the number of shares he may hold in the proportion follow-

ing, that is to say: for one share and no more than two, one vote; for every two shares above two and not above ten, one vote; for every five shares above ten and not exceeding fifty, one vote; and for every ten shares above fifty, one vote.

Sec. 5. *Be it further enacted*, That owners of a majority of all the shares subscribed shall at any time have power to remove from office, the president, treasurer and directors, or any of them, and appoint others in their stead, and to fill all vacancies which may happen in any way; and it shall be the duty of the president to make a full and fair statement of all the affairs of the company, to each general meeting of the stockholders; and it shall be the duty of the treasurer to receive and account for all monies belonging to the company, and to keep a fair account of the same, and to do and perform all such duties as may be required of him, in relation to his office. Vacancies.

Sec. 6. *Be it further enacted*, That the stockholders, at their first general meeting, shall fix on the time and the proportion in which the stock shall be paid, and shall further have power to declare the stocks of delinquent subscribers forfeited. Payments.

Sec. 7. *Be it further enacted*, That when the road shall be completed, as directed in this act, it shall and may be lawful for the company to erect a toll gate at some convenient place on said road, and demand and receive toll in the following rates, that is to say, for a man and horse, ten cents; for loose horses and mules, five cents, each; for cattle, three cents each; for hogs and sheep, two cents each; for six horse wagon, seventy-five cents; for five horse wagon, sixty cents; four horse wagon, fifty cents; two or three horse wagon, forty cents; for four wheeled pleasure carriages, fifty cents; for buggies, fifty cents each; for gigs, sukies or carts, twenty five cents. Tolls.

Sec. 8. *Be it further enacted*, That if, at any time, the said company shall suffer the roads to get out of order and remain so for the space of twenty days, the president and

directors shall be subject to indictment, in any court of record, and, on conviction, shall be fined at the discretion of the court.

Evasions.

Sec. 9. *Be it further enacted*, That if any person or persons shall, for the purpose of avoiding the payment of the above tolls, either break through or go around the toll gate, they shall be subject to pay five dollars, and be further liable to damages, to be recovered before any court or justice of the peace in the county of Haywood.

Sec. 10. Be *it further enacted*, That all lands over which said road may be located, which have not heretofore been granted, shall vest in said company, and any grant issued thereafter shall be void.

Sec. 11. *And be it further enacted*, That this act shall be in in force from and after the ratification thereof, and continue in force fifty years.

[Ratified 28th January, 1851.]

CHAPTER CLXIII.

AN ACT to incorporate the Oconalufta and Qualla Town Turnpike Company, in the county of Haywood.

Capital.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of constructing a turnpike road from the top of the Smoky Mountain, at the head of Oconalufta River, to Qualla Town, the formation of a corporate company, with a capital stock of four thousand dollars, is hereby authorized, to be styled "the Oconalufta and Qualla Town Turnpike Company."

Sec. 2. *Be it further enacted*, That for the purpose of

creating the capital stock of said company, the following persons be, and the same are hereby appointed commissioners, viz: Scroop Enloe, J. B. Sherrell, William Farler, Andrew Coleman, Wesley M. Enloe, Edward G. Hyatt, Jas. M. Campbell, John Mingus and Robert Collins, or any three of them, whose duty it shall be to open books for the subscription of stock, at such times and places as they or a majority of them may deem proper. Commissioners.

Sec. 3. *Be it further enacted*, That whenever the sum of one thousand dollars shall have been subscribed, in shares of twenty dollars each, the subscribers, their executors, administrators or assigns shall be, and they are hereby declared incorporated into a company, by the name and style of "the Oconaluftа and Qualla Town Turnpike Company," and shall have perpetual succession; may sue and be sued, plead and be impleaded, in any court of law and equity in this State; and may have and use a common seal, which they may alter and renew at pleasure; and shall have and enjoy all other rights and immunities which other corporate bodies may and of right do exercise, not inconsistent with the constitution and laws of the State. Corporate powers.

Sec. 4. *Be it further enacted*, That as soon as the sum of one thousand dollars of the stock shall have been subscribed, in manner and form aforesaid, it shall be the duty of the commissioners to notify the stockholders, and to appoint a time and place for their meeting; at which time and place, a majority of the stockholders being represented, in person or by proxy, shall proceed to elect a president, treasurer and three directors out of their own number: the election shall be by ballot, each stockholder having as many votes as he has shares in the company; and the persons having a majority of the stock polled shall be considered duly elected. The persons elected shall continue in office one year, or until their successors are appointed, unless sooner removed by the stockholders. And upon all elections or any of the by-laws or affairs of the company, each stockholder General meeting; electi'n of officers.

shall be entitled to the same number of votes he has shares in the company.

Vacancies, &c.

Sec. 5. *Be it further enacted*, That the board of directors may fill all vacancies which may occur during the period for which they have been elected, and in the absence of the president, may appoint a president *pro tempore*, to fill his place from among their number.

Delinq'nt stockholders.

Sec. 6. *Be it further enacted*, That the board of Directors may call for the sums subscribed as stock in said company, in such instalments as the interest of said company may, in their opinion, require; and after thirty days notice shall have been given in such manner as may be required by the by-laws of the company, on failure of any stockholder to make payment as required, the directors may sell, at public auction, on a previous notice of ten days, all the stock subscribed for in said company by such stockholder, and convey the same to the purchaser at said sale; and if said sale of stock do not produce a sum sufficient to pay off the incidental expenses of the sale, and the entire amount owing by such stockholder to the company for such subscription of stock, then and in that case the whole of such balance shall be held as due at once to the company, and may be recovered before any court having jurisdiction thereof, or by warrant before a justice of the peace, when the sum does not exceed one hundred dollars.

Certificates.

Sec. 7. *Be it further enacted*, That said company shall have power to issue certificates of stock to its members, and said stock may be transferred in such manner and form as may be directed by the by laws of the company.

C'ntracts.

Sec. 8. *Be it further enacted*, That the said president and directors shall have power to make contracts for the construction of said road; and all such contracts, signed by the president and one of the directors of the board shall be binding on the company.

Sec. 9. *Be it further enacted*, That the said president and directors shall have the right to locate the said road, and after

wards to change the location by and with the consent of the stockholders owning a majority of the shares of stock in the company.

Sec. 10. *Be it further enacted*, That when the right of way or lands shall be required for the use of said road, and for want of agreement as to value, or any other cause, the same cannot be purchased of the owner or owners thereof, the same may be taken at a valuation placed thereon by five freeholders, who shall take into consideration the advantages, as well as the loss and damage resulting to the owners of the land by the construction of said road; the said freeholders, before entering upon their duties, shall take an oath, before some justice of the peace of the county, faithfully to perform their duty as required by this act; and they shall make out a report to be filed in the office of the county court clerk of the county of the lands condemned; and upon the payment to the said clerk, for the use of the owner or owners of the land, the sum allowed by the freeholders, the title shall vest in the company, of the lands condemned, so long as required for the use of said road. Valuation of land.

Sec. 11. Be *it further enacted*, That on all lands which the road may be located, not heretofore granted by the State, within one hundred feet of the centre of the road, shall vest in the company as soon as the said road is located; and any grant of said land thereafter shall be void. Grant.

Sec. 12. *Be it further enacted*, That the said turnpike road hereby authorized, shall be made by the president and directors fifteen feet wide, except there is side cutting, where it shall be twelve feet, and where it shall be necessary to carry it around precipitous promontories, it shall be ten feet wide: the inclinations of the road shall not exceed one foot in eight. Width.

Sec. 13. *Be it further enacted*, That it shall be the duty of the county court of Haywood county to appoint commissioners to examine said road, and if found to be completed in accordance with the provisions of this act, the said company shall give public notice thereof. Commissioners to examine.

Sec. 14. *Be it further enacted*, That the said president and directors shall be entitled to purchase as much as four acres of land at such place or places as they may desire, for the use of erecting the necessary buildings where the toll gate is to be kept hereby authorized; and said company shall be entitled to appoint a gate keeper on said road, and to receive the following tolls, to wit: on four wheeled carriages of pleasure, fifty cents; on gigs or sulkies, thirty seven and a half cents; on six horse wagons, sixty two and a half cents; on five horse wagons, fifty five cents; on four horse wagons, fifty cents; on two horse wagons or pedlars' wagons, fifty cents; on one horse carts, twenty five cents; on each and every horse or mule without a rider, two cents; on every horse or mule with a rider, ten cents; on every head of cattle, two cents; on every head of hogs or sheep, one cent; on all animals intended for public exhibition, one dollar each.

Tolls.

Sec. 15. Be *it further enacted*, That if any person or persons shall refuse to pay the tolls required to be paid by this act, at the time of offering to pass the toll gate or gates, the gate keeper may refuse a passage to such person or persons so refusing: and if any persons shall pass through or go round said toll gate, with carriages or animals liable to pay toll, without paying the same, such persons shall each be liable to the payment of a fine of ten dollars, for each offence, to be recovered, in the name of the company, by warrant, before any justice of the peace having jurisdiction thereof, besides shall be liable to other damages.

Penalty.

Sec. 16. *Be it further enacted*, That as a compensation to the said stockholders for constructing and keeping in repair the said turnpike road, and erecting gates and other necessary works, the whole profits of the said road are hereby vested in them and their executors and assigns, as tenants in common, for the term of ninety nine years, to be computed from the time said road shall be completed: *Provided, however*, that nothing contained in this act shall be so construed

Compensation.

as to require any citizen living upon any of the waters of the Tuckasegee River to pay toll for travelling said road from Qualla Town to Robert Collins's, nor to require any toll to be paid for travelling the remainder of the road by any of the persons required to work on said road under this act.

Sec. 17. *Be it further enacted*, That all hands liable to work upon public roads, who now reside or may hereafter reside in three miles of said road, on either side, shall be liable to do six days work, in each and every year, on the said turnpike road, under the president and directors or agent of the company; and the hands within the limits aforesaid, who shall, when warned as in other cases, refuse or fail to attend and work on the said road, shall be liable to the same fines and penalties, and recoverable in the same manner as fines are now collected from persons failing to work upon public roads: said hands shall be exempt from working on any other public roads. Hands to work.

Sec. 18. Be *it further enacted*, That all laws and clauses of laws coming in conflict with this act, be, and the same are hereby repealed.

Sec. 19. *Be it further enacted*, That this act shall be in force from and after its ratification, and be regarded as a public act.

[Ratified 28th January, 1851.]

CHAPTER CLXIV.

AN ACT to amend an act, entitled "An Act to incorporate the Caldwell and Ashe Turnpike Company," passed by the General Assembly at its session of 1846 & 7.

Sec. 1. Be *it enacted by the General Assembly of the State of North-*

Carolina, and it is hereby enacted by the authority of the same, That an act, passed at the session of the General Assembly of 1846 & 7, entitled "An Act to incorporate the Caldwell and Ashe Turnpike Company," be so altered [and] amended, as to increase the capital stock of said company from ten thousand dollars to twelve thousand five hundred dollars; and that the President and directors of said company be authorized to receive subscriptions at any time for the additional amount of two thousand five hundred dollars; and in the event that the whole amount of the increase of the Capital stock be not taken by private subscription within six months after the passage of this act, then the Public Treasurer is hereby authorized and required to subscribe for the balance, in the name of the State, provided said balance does not exceed one thousand two hundred and fifty dollars.

Increase of capital.

Sec. 2. *Be it further enacted,* That the Public Treasurer be, and he is hereby authorized and required to pay out of any monies not otherwise appropriated, that portion of the State stock which now remains unpaid.

State stock.

Sec. 3. Be *it further enacted,* That the President and Directors of said company be authorized to change the route of that part of said road on the Blue Ridge, which exceeds a grade of one foot in twenty, so as to reduce it to that standard, and so to alter and amend any other part of said road as will render it more conducive to the interest of the State and of the private stockholders, and at the same time improve the condition of said road.

Change of route.

Sec. 4. Be *it further enacted,* That all hands who live within two miles of said road, and who are now liable to work on public roads, shall be required to work on said Turnpike road six days during the year; and said hands shall have the privilege of passing over said road without paying toll, and shall also be exempt from working on other public roads.

Hands to work.

Sec. 5. *Be it further enacted,* That the style and name of said company be changed from "the Caldwell and Ashe Turnpike Company," to that of "The Caldwell and Watauga

Turnpike Company," and by that name shall be entitled to all the privileges and be subject to all the liabilities that it was entitled to and subjected to under its former name and style. Name.

Sec. 6. Be *it further enacted*, That all laws and clauses of laws conflicting with this act, be repealed.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CLXV.

AN ACT to amend an act, entitled "An Act to incorporate the Jonathan's Creek and Tennessee Mountain Turnpike Company," passed at the session of 1846–7, and which was amended by the act of 1849.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That as soon as six hundred dollars of the stock is subscribed, the commissioners shall call a meeting of the stockholders, who shall, at such time and place as they may designate, proceed to elect their officers as provided for in said act. General meeting.

Sec. 2. Be *it further enacted*, That the President and three Directors shall constitute a quorum to do business, shall have power to change the location of the road by and with the consent of a majority of the stockholders, but shall have no power to construct the road a steeper grade than the grade specified in the last named act. Grade and location

Sec. 3. Be *it further enacted*, That the President and

Directors shall have power to make contracts for the construction of said road; and as soon as they shall have completed said road for the passage of stock, four feet wide, besides the breast works, and the timber cut off eight feet, and the same shall have been received by commissioners appointed under said act, it shall be lawful for the said company to erect a toll gate on said road, to appoint a gate keeper, and receive the following tolls, to wit: on each horse or mule with a rider, ten cents; without a rider, five cents; on every head of cattle, two cents; on hogs and sheep, one cent each.

Toll

Sec. 4. Be *it further enacted*, That if any person or persons shall refuse to pay the toll, at the time of offering to pass the gate, the toll collector may refuse such person or persons a passage through the gate; and if any person or persons shall go around said gate or force his passage through with stock liable to the payment of toll under this act, he, she or they shall be liable to a fine of five dollars each, for each and every offence, to be sued for by the gate keeper, in the name of the company, before any justice of the peace having jurisdiction thereof: *Provided*, *however*, that the hands who work on said road and all the citizens who reside on Jonathan's Creek or any of its tributary streams, shall be exempt from the payment of toll for travelling said road.

Evasions of toll.

Sec. 5. *Be it further enacted*, That the said company shall have ten years to complete said road, of the width and description required by the former acts; and at the expiration of ten years, should the travelling on the road, in the opinion of the company, justify the expenditure necessary to complete said road, they shall, on increasing the width of said road two feet, be permitted to receive the same tolls for ten years longer; at which time, if completed, the company shall be entitled to receive the same tolls specified in the act of 1849.

Time and change.

Sec. 6. *Be it further enacted*, That any person or persons, who shall damage or obstruct said road, after it is completed

for the passage of stock, shall be liable to indictment, and fined at the discretion of the court.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after the ratification thereof, and shall be regarded as a public act, and in case the stock is taken and said road is completed as aforesaid, shall be continued in force fifty years from and after the completion of said road.

[Ratified 28th January, 1851.]

CHAPTER CLXVI.

AN ACT to amend an act, passed at the session of 1846–47, entitled "An Act to incorporate the Orapeak Canal and Turnpike Company.

Sec. 1. *Be it enacted by the the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the act, passed at the session of 1846–47, entitled "An Act to incorporate the Orapeak Canal and Turnpike Company," which provides that it shall and may be lawful for the President and Directors of said company, whenever the Canal and Turnpike road mentioned in said act shall be completed from the White Oak Spring Marsh to the Dismal Swamp Canal, to demand, at such point as they may designate on the road aforesaid, for all commodities transported through the said Canal, one half the amount of tolls now received by the Dismal Swamp Canal Company; and for transportations on the Turnpike road aforesaid to demand and receive, as aforesaid, one half the amount of tolls now received on the turnpike running parallel with the said Dismal Swamp Canal, be, and the same

is hereby amended, as that the President and Directors of said Company, whenever the said Canal is completed, as aforesaid, shall have power to demand and receive, at such point as they may designate on said Canal, for all commodities transported through the same, the tolls described and provided for in the 5th section of said act incorporating the said Orapeak Canal and Turnpike Company, without requiring said company to complete the said Turnpike before they can demand and receive tolls on the said canal: *Provided*, that nothing herein contained shall be construed to prevent the President and Directors of said Company from constructing such turnpike hereafter, if they should be disposed to do so, and changing the tolls on the same authorized by said act incorporating said company.

[Ratified 28th January, 1851.]

CHAPTER CLXVII.

AN ACT to lay off and improve a public road from Salisbury to Rockford, in Surry county.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Moses L. Brown, Radford Bailey, Caswell Harbin, and A. G. Carter be, and they are hereby appointed commissioners to view and lay off a road from the town of Salisbury, by Fisher's Mills, on South Yadkin, to Mocksville; and said commissioners, before they shall enter upon the duty of their office, shall take an oath, before some justice of the peace of the county of Rowan or Davie, that they will lay off the said road, having due regard to private property,

Commissioners.

as well as public good; and shall have power to assess any damage that any individual may sustain by the construction of said road; and said damage shall be paid by said counties where said damage is incurred.

Sec. 2. *Be it further enacted*, That it shall be the duty of said commissioners to report to the county courts of Rowan and Davie; and if twelve of the acting justices concur with said report, they shall have power to appoint overseers in their respective counties, and order a sufficient number of hands to open said road; and when said road has been opened as required by this act, it shall be kept in repair as other public roads. Report, overseers, hands, &c.

Sec. 3. *Be it further enacted*, That a majority of said commissioners shall have power to act and fill vacancies in their board.

[Ratified 27th January, 1851.]

CHAPTER CLXVIII.

AN ACT to authorize the laying off and improving a public road from the town of Jefferson, in the county of Ashe, to the Virginia line, near James Duvall's.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Edwin Bartlett, David Smith, William Baker and Johnson Perkins, be, and they are hereby appointed commissioners to lay off and establish a public road from the town of Jefferson, in the county of Ashe, to the Virginia line, near James Duvall's. Commissioners &c.

Sec. 2. *Be it further enacted*, That the said commis-

Oath. sioners, or a majority of them, before entering upon the performance of their duty herein required, shall take and subscribe an oath, before some justice of the peace, faithfully to perform the duties required by this act.

Vacancies. Sec. 3. Be *it further enacted*, That the said commissioners, or a majority of them, shall have power to fill any vacancy that may occur in their body, either from death or refusal to act; and the agreement of any two shall be binding on the third as to the location of said road.

Sec. 4. Be *it further enacted*, That the said commissioners shall have no power to locate any portion of said road a steeper grade than one foot perpendicular for twelve feet Grade. horizontal, and shall have due regard to the interest of the owners of improvements as well as the public good.

Sec. 5. Be *it further enacted*, that should any damages be claimed by any person or persons, over whose lands the said road shall pass, the same shall be assessed by the commissioners, in the same manner that is now prescribed by law for the assessment of damages; and the advantages of the road, as well as the disadvantages to the owners of the land to be valued, shall be taken into consideration; and the ex- Valuation of land. cess of loss, over and above the advantages of the road to the owners of the land, shall form the measure of damage, to be allowed and paid as other county claims by the county of Ashe.

Sec. 6. Be *it further enacted*, That it shall be the duty of the said commissioners, as soon as may be after the survey of said road is completed, to report the same to the county court of said county. And it shall be the duty of the Report &c county court, twelve justices of the peace being present, to appoint the overseers and order out a sufficient number of hands, liable to work on public roads, to complete the said road agreeable to the report of said commissioners.

[Ratified 27th January, 1851.]

CHAPTER CLXIX.

AN ACT to improve the road from Ashe Court House to Gap Civil.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Cyrus Wilcox, Absolem Bower, G. H. Hamilton, Allen Gentry and Robert Gambill be appointed commissioners to view, lay off and mark a route for a public road from the court house, in the town of Jefferson, to the village of Gap Civil; and before they shall proceed to lay off the same, they shall take an oath, before some justice of the peace for the county of Ashe, that they will lay off said road the best and most convenient way, having regard to private property as well as public good, and that they will so lay off the road that the lowest possible grade shall be taken as the route; and when they have so marked and designated the route, they shall make a report to the court of Ashe county, setting forth, in writing, all the changes made and marked by them; and said commissioners shall have power to assess damages to any person through whose land they shall run said road, if, in their judgment, they think any damage has been done to said lands. Commissioners, &c.

Sec. 2. *Be it further enacted*, That the county court of Ashe, after the commissioners have marked and designated the line of said road, shall appoint head overseers and assign to them a sufficient number of hands to open the same; and when said road shall be opened, it shall be deemed a public road, and shall be kept in repair as other roads are in this State; and the County and Superior Courts of Ashe county shall have concurrent jurisdiction of the same. Duty of court.

Sec. 3. *Be it further enacted*, That should said Commissioners believe that the road would be improved on the East side of the town of Jefferson, by changing the present road or street by running said road or street through any of the unimproved lots that have no buildings on them by making Change.

suitable compensation by way of damages for said change of route to the owners of said lots, they shall proceed to lay off the road or street accordingly, and said lots or parts of lots shall be condemned for the above purpose.

Sec. 4. *Be it further enacted,* That this act shall be in force from and after the passage thereof.

[Ratified 28th January, 1851.]

CHAPTER CLXX.

AN ACT to amend an act, passed at the Session of 1848'-9, appointing commissioners to lay off a road in the county of Yancy, from Hopson's shop to the Unaker Gap, at the Tennessse line.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Newton Byrd, Robert Penlend, and Alfred F. Keath be, and they are hereby appointed Commissioners to lay off and establish said road, agreeably to the aforesaid act; and that their report and location shall be subject to the same regulation and authority as the report of the former commissioner would have been, had the aforesaid act been carried into operation.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CLXXI.

AN ACT appointing commissioners to lay off a road in Burke and Watauga counties.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Charles McDowell and Hugh Taylor, of the county of Burke; and Zachariah Pearcy and John Franklin, of the county of Watauga, be, and they are hereby appointed commissioners to view and mark off a public road, from Charles McDowell's, in the County of Burke, by way of Upper Creek, Jonas Ridge, old fields of Toe River, to Cranberry Forge, in the county of Watauga. Comm'srs.

Sec. 2. *Be it further enacted,* That before they shall enter upon their duties as such, they shall take an oath, before some Justice of the Peace, that they will lay off said road the best route they can find, and at the lowest possible grade, due regard being had to public good as well as to private property; and when they have so laid off and marked said route they shall make a report, in writing, to the respectivec ounty courts, of said counties; and said courts, after having confirmed said reports, it shall be their duty to appoint overseers and order out a sufficient number of hands to open the same; and when said road shall be opened, it shall be deemed a public road, and shall be kept in repair as other roads are in this State. Oath Com. and duty of court.

Sec. 3. *Be it further enacted,* That said commissioners shall have power to assess damages to any person through whose lands they may run said road, if, in their judgment, they shall believe any damage has or will be sustained, which damage shall be paid by the counties where the lands lie.

[Ratified 28th January, 1851.]

CHAPTER CLXXII.

AN ACT to appoint Commissioners to view and lay off a road from the town of Marion, in McDowell county, crossing the Blue Ridge at Buck Creek Gap, and thence to the Tennessee line, at the top of the Iron Mountain.

Commissioners.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Jason C. Whitson and S. Bulow Erwin, of the county of McDowell, and Charles Gibbs and John Woody, of the county of Yancy, be and they are hereby appointed Commissioners, to view and lay off a road commencing at the town of Marion, in the county of McDowell, and running to J. S. Carson's; thence up Buck Creek and crossing the Blue Ridge at the Buck Creek Gap; thence to South Toe River; thence, *via* John Robinson's, to Crabtree Creek; thence, crossing said Creek and the road leading from Morganton to Burnsville, to the top of the Iron Mountain, at the Tennessee line, so as to connect with the Elizabethton and Iron Mountain Turnpike road.

Oath.

Sec. 2. *Be it further enacted*, That before the said Commissioners shall enter upon the duties of their appointment, they shall take an oath, before some Justice of the Peace for the county of McDowell or Yancy, to lay off said road with due regard to private property as well as to the public good, and to select the most eligible route.

Report, & opening road.

Sec. 3. *Be it further enacted*, That when said road shall be laid off and the survey completed, the said Commissioners shall make report thereof to the county court of McDowell and Yancy counties, under their hands and seals. And the said road, when the Commissioners shall have made their reports as herein prescribed, shall be opened and kept up as other high ways, and shall be under the jurisdiction of the Superior and County Courts of McDowell and Yancy counties, as to the part of said road situate in each of said counties respectively: *Provided*, that that portion of the road

between the road leading from Morganton to Burnsville and the Tennessee line, shall be under the exclusive control of the county court of Yancy county, a majority of the acting Justices being present, and shall be opened or not as they may direct; and that the counties through which said road or any part of it is constructed, shall open said road, unless the county Court shall direct otherwise.

[Ratified 28th January, 1851.]

CHAPTER CLXXIII.

AN ACT to lay off and establish a public road in the Counties of Davidson and Davie.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That Robert L. Hargrave and Anderson Gobble, of the county of Davidson; and Jessee Clemment and Braxton Bailey, of the county of Davie, be, and they are hereby appointed commissioners to lay off and establish a public road beginning at a point on the road leading from Lexington to Fulton, about one mile East of Owen's Ferry, on the Yadkin river, running thence by said ferry to the Fork Meeting House in the County of Davie. Commissioners.

Sec. 2. *Be it further enacted,* That a majority of said Commissioners shall have power to act and to fill vacancies in their board. Quorum.

Sec. 3. *Be it further enacted,* That the said Commissioners shall assess the damages which ought to be paid any person or persons over whose land said road may pass, and shall make due return of their proceedings to the Court of Pleas and Quarter Sessions of the counties of Davidson and Davie; Valuation of land.

and upon the return of such Commissioners, it shall be the duty of said courts to cause to be paid to the owners of lands so condemned, in their respective counties, such sum or sums as may be assessed by the commissioners aforesaid.

Duty of courts.

Sec. 4. *Be it further enacted*, That after said road shall have been laid off as hereinbefore provided, it shall be the duty of the Courts of Pleas and Quarter Sessions of said counties of Davidson and Davie to appoint overseers and hands for the working and keeping up said road as other public roads are kept up.

[Ratified 28th January, 1851.]

CHAPTER CLXXIV.

AN ACT to lay off and open a public road, from Alexander Churche's, in the county of Wilkes, to William Philips', in the county of Ashe.

Commissioners.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That M. S. Stokes, Peter Eller, Jr., and Henry Lenderman be, and are hereby appointed commissioners to view and lay off a road from Churche's Old Store, in the county of Wilkes, the nearest and best way up Larie's Fork, to the Blue ridge; thence to the Ashe line at or near William Philips'.

Oath &c.

Sec. 2. *Be it further enacted*, That before the Commissioners shall enter upon the duties of their office, they shall take an oath, before some Justice of the Peace of the county of Wilkes, that they will lay off said road the best and most convenient way, having due regard to private property, as well as to public good; and that the said Commissioners shall have power to assess the damages that any individual

may sustain by the construction of said road; such damage to be paid by the county of Wilkes.

Sec. 3. *Be it further enacted*, That it shall be the duty of said commissioners to report to the county court of Wilkes, and if a majority of the acting justices present concur in said report, they shall have power to appoint as many overseers as they may think proper and order a sufficient number of hands to open said road; and when said road has been opened as required by this act, it shall be kept in repair as other public roads are in this State, and under the same penalties and restrictions. Report & opening road

Sec. 4. *Be it further enacted*, That all laws or clauses of laws coming in conflict with this act, are hereby repealed.

Sec. 5. *Be it further enacted*, That this act shall take effect from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CLXXV.

AN ACT to appoint commissioners to view and lay off a public road from the town of Taylorsville, in the county of Alexander, to Aquilla Payn's, in Caldwell county, and for the purpose of improving the same.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thomas S. Boyd, W. G. James, E. C. Harrington, John Montgomery, John M. Carson, Wm. B. Jones and Capt. George Harmon, be, and they are hereby appointed commissioners to view, lay off and amend the public road Commissioners.

from Taylorsville, in Alexander county, to Aquila Payn's, in Caldwell county.

Oath and duties of commissioners.

Sec. 2. *Be it further enacted*, That before they shall enter upon their duties as commissioners, they shall take an oath, before some justice of the peace of Alexander county, to view and lay off the road the best and most convenient way, having strict regard to private property as well as the public good, and shall assess all damages that any person or persons may sustain by the laying out said road, and report the same to the county court of Alexander county, which shall be paid as other county charges; and the said commissioners shall appoint one overseer, and allot him the hands necessary to open and improve said road so laid out; and it shall be the duty of the overseer, on receiving his orders from the commissioners, to call out the hands allotted him, and shall proceed, with the hands aforesaid, to open the road so laid out; and all hands so allotted, shall be subject to the same fines for neglect of duty, as in other cases now provided by law.

Pay of overseer.

Sec. 3. *Be it further enacted*, That the county court of Alexander county, a majority of the justices being present, shall make such allowances to said overseer as they may think just and proper, which shall be paid in the same way of all other county claims in said county.

[Ratified 28th January, 1851.]

CHAPTER CLXXVI.

AN ACT to repeal so much of an act, entitled "An Act to open and improve the road from Salathiel Stone's old place in the county of Forsythe, to the Virginia line, near the mouth of Wilson, in Ashe county," as applies to the county of Forsythe.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That so much of the act of the General Assembly, passed at its session of 1848–'49, entitled "An Act to open and improve the road from Salathiel Stone's old place, in Forsythe county, to the Virginia line, near the mouth of Wilson, in Ashe county," as applies and relates to Forsythe county, be, and the same is hereby repealed.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CLXXVII.

AN ACT to prohibit obstructions to cart ways in Cherokee county.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That when any cart way is or shall be hereafter laid out, in the county of Cherokee, according to the 33rd section of the one hundred and fourth chapter of the Revised Statutes, and the petitioner shall have paid the damage assessed, it shall not be

lawful for any one to obstruct the same by erecting or keeping any gate or bars across such road or cart way, under the penalty of five dollars for every week such obstruction shall be continued; to be recovered before any justice of the peace.

[Ratified 27th January, 1851.]

CHAPTER CLXXVIII.

AN ACT to amend an act, passed at the session of 1848–49, entitled "An Act to open and improve the road from Salathiel Stone's, in Forsythe county, to the Virginia line, near the mouth of Wilson, in Ashe county."

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the road from Glenn's ford, on the Yadkin river, to Elijah Thompson's, shall remain as the road is at present located and at the present grade, and shall be kept in repair as other roads are in this State.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its ratification, and that all laws and clauses of laws, coming within the purview and meaning of this act, be, and the same are hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER CLXXIX.

AN ACT concerning Rutherford.

Commissioners of road to Marion.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That William H. Miller and Albert G. Logan, of the county of Rutherford; William M. Carson and William Murphy of the county of McDowell, be appointed commissioners to lay off a road from the town of Rutherfordton to the town of Marion, the nearest and most practicable route.

Commissioners to Morganton and to S. C. line.

Sec. 2. *Be it further enacted,* That W. H. Miller and A. G. Logan of the said county of Rutherford; David Corpening, J. H. Pearson, of the county of Burke, be appointed commissioners to lay off a road from Rutherfordton to Morganton, the nearest and most practicable route; and that the commissioners on the part of Rutherford county lay off a public road from Rutherfordton to the South Carolina line, the nearest and most practicable route, towards Spartanburg Court House.

Duties of commissioners.

Sec. 3. *Be it further enacted,* That it shall be the duty of said commissioners to proceed to lay off said roads as soon as practicable, having taken an oath before the clerks of their respective county courts to discharge their duty with a faithful observance of the good of the public, and a due regard to private interest; they shall make the said road and assess the damages sustained by any person through whose lands the said roads may pass, and shall make return of their proceedings, in writing, to their respective county courts.

Duty of courts.

Sec. 4. *Be it further enacted,* That it shall be the duty of the county courts of the counties where the damage is assessed, to direct the payment of said damage out of the county fund: *Provided,* that if either the county court or the individual over whose lands the road may pass, and for which damage may be assessed, shall be dissatisfied with the amount

awarded by said commissioners, either party shall have the right of appeal to the Superior court of law, and the same proceedings shall be had to obtain the right of way and ascertain the damages sustained, as are now provided by law, where public roads are laid out and established by courts and juries.

Sec. 5. *Be it further enacted*, That it shall be the duty of the county courts of the counties through which the roads may pass to appoint overseers over said roads, dividing the same into such sections as they may see proper, and assign the hands to each section; and any overseer neglecting to open and work out said road or roads, shall be liable to indictment and punished as overseers are now provided by law.[?]

Opening roads.

Sec. 6. *Be it further enacted*, That said roads, when established, are declared to be public roads.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 29th January, 1851.]

SAVINGS INSTITUTIONS.

CHAPTER CLXXX.

AN ACT to incorporate the Milton Savings Institution.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That John Wilson, Samuel Watkins, John T. Gar-

land, John B. Barrett, James D. Newson, Willie Jones, N. J. Palmer, Montfort McGehee, Caleb H. Richmond, George A. Smith, Samuel B. Holder, Charles K. Dobson, George W. Thompson, Martin P. Huntington, Edward P. Hawks, Dabney Terry, and all and every other person or persons hereafter becoming members of the Milton Savings Institution, to be located in the town of Milton in the county of Caswell, shall be and are hereby created and made a corporation and body politic, by the name and style of the Milton Savings Institution, and by that name shall have succession, and be capable in law, to hold and dispose of real and personal property by deed or otherwise, to sue and be sued, plead and be impleaded, answer and defend, and be answered and defended, in Courts of Law and Equity, or in any other places whatsoever; and to receive and make all deeds, transfers, contracts, conveyances and grants whatsoever; and to make, have and use a common seal, and the same to change and renew at pleasure; and generally to do every other act or thing necessary to carry into effect the provisions of this act: *Provided*, the said corporation shall purchase and hold only such lands, tenements, rents and hereditaments as shall be requisite for the convenient transaction of its business, or shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Commissioners and corporate powers.

Sec. 2. *Be it further enacted*, That there shall be a meeting of the members of the Milton Savings Institution on such day in the month of April next, or at any other time, and at such place as the nine persons first above named, or any three of them, shall appoint, and give at least ten days' notice in some one or more newspapers published in Milton, and on the second Monday in January, and at such place annually thereafter as the by laws of said Institution shall provide, for the purpose of choosing, among the members,

General meeting and election of directors.

eight Directors, to manage the affairs of said Institution for twelve months thereafter, and until a new election shall take place: *Provided*, that each election shall be made within one month from the expiration of the term for which the preceding Directors shall have been elected; and the three members first above named, or upon their refusal or neglect to act, any three named in this act, shall be judges of the first election of Directors, and the judges of all future elections shall be appointed and notice of such election given in such manner as the by-laws shall provide.

Sec. 3. *Be it further enacted*, That the Directors for the time being, or a majority of them, shall have power to elect a President from their own body, or from among the other members; to appoint all such officers, agents and servants, as they shall deem necessary to conduct or expedite the business of the said Institution; to fix their compensation, and in their discretion to dismiss them; to provide for the taking of bonds to said Institution from all or any of the officers, agents, or servants by them so appointed, with security conditioned in such form as they shall prescribe for the faithful execution of their several duties, and to secure the corporation from loss; to regulate the manner of making and receiving deposites, the form of certificates to be issued to depositors, and the manner of transferring stock in said Institution; to provide for the investment of the funds of the corporation in such manner as they shall deem most safe and beneficial; to provide for the admission of members, and furnishing proof of such admission; to provide for paying all necessary expenses incurred in conducting the affairs of the corporation, and generally to pass all such by-laws, as shall or may be necessary to the exercise of the said powers, and of the powers vested in said corporation by this charter, and the same by-laws to alter and repeal; provided, that all such by-laws as may be made by the directors, may be altered and repealed by a majority of the members of said corporation, assembled at any annual meeting or of any general

Powers of directors.

meeting, called in pursuance of any by-law made for that purpose; and a majority of the members may at any general or annual meeting, pass by laws, which shall be binding upon the directors: *Provided*, that such by-laws shall not be contrary to the laws of this State or of the United States.

Sec. 4. *Be it further enacted*, That said corporation shall be capable of receiving from any person or persons, or bodies corporate or politic, any deposit or deposits of money; and that all moneys so received shall be invested in public stocks or other securities, at the discretion of the directors, in the manner by them deemed most safe and beneficial: *Provided*, that no part of the funds of said Institution shall be loaned to any officer or Director of said Institution; and *provided always*, that nothing herein contained shall be so construed to authorize this corporation to issue any bill, note, or other device, in the nature of a bank note. Deposits.

Sec. 5. *Be it further enacted*, That such deposits shall be repaid to each depositor, when required, at such times and with such interest and under such regulations, as the board of managers shall from time to time prescribe; which regulations shall not be altered so as to affect any one who may have been a depositor previous to such alteration; and all certificates or evidences of deposit made by the proper officer shall be as effectual to bind the corporation as if they were under the common seal thereof. Payment of deposits.

Sec. 6. *Be it further enacted*, That when any deposit shall be made by any person being a minor, the said corporation may pay to such depositor such sum or sums as may be due to him or her, at their discretion, not exceeding two hundred and fifty dollars, although no guardian shall have been appointed for such minor, and the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor. Minors.

Sec. 7. *Be it further enacted*, That it shall be the duty of the Directors, at least once in every six months, to appoint five competent members of said corporation as a committee

of examination, whose duty it shall be to investigate the affairs of said corporation, and to make and publish a report thereof, in one or more newspapers printed in Milton or in the State; and it shall be the duty of the Directors, on the first day of January and on first day of July, in each and every year, to make and declare a dividend of the interests and profits of the said corporation, after paying its expenses, and the same to pay over unto the depositors or their legal representatives, within ten days thereafter, if called on.

Examination & dividend.

Sec. 8. *Be it further enacted*, That no stockholder who is a debtor to this Institution shall be permitted to transfer his stock until such debt be paid or otherwise secured to the satisfaction of the Directors.

Respecting transfers.

Sec. 9. *Be it further enacted*, That in all discounts or loans to be made by said corporation, it shall not take more than six per cent. per annum; which interest shall be taken in advance at the time of making such loans.

Loans.

Sec. 10. *Be it further enacted*, That the concerns of the Institution hereby intended to be incorporated shall at all times be subject to the inspection of the Treasurer of the State, or of such other officer or agent of the State as may be selected for that purpose by the General Assembly.

Inspection of Treasurer.

Sec. 11. *Be it further enacted*, That the capital stock of said corporation shall not exceed the sum of two hundred and fifty thousand dollars, until an additional capital is authorized by the General Assembly, and that the power is hereby reserved to the General Assembly from and after the year eighteen hundred and seventy, to dissolve said corporation.

Capital.

[Ratified 27th January, 1851.]

CHAPTER CLXXXI.

AN ACT to incorporate the Raleigh Savings Institution.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Richard B. Haywood, Charles B. Root, M. B. Royster, Sion H. Rogers, P. Busbee, Charles E. Johnson, W. H. McKee, R. W. Haywood, W. R. Scott, S. Gales, W. J. Clarke, J. G. Williams, J. J. Litchford, W. R. Poole, Jesse Brown, W. H. High, and all and every other person or persons hereafter becoming members of the Raleigh Savings Institute, to be located in the town of Raleigh, in the county of Wake, shall be, and are hereby created and made a corporation and body politic, by the name and style of "The Raleigh Savings Institution;" and, by that name, shall have succession, and be capable, by law, to hold and dispose of real and personal property by deed or otherwise; to sue and be sued, plead and be [im] pleaded, answer and defend and be answered and defended in courts of law and equity, or in any other places whatsoever; and to receive and make all deeds, transfers, contracts and agreements and conveyances whatsoever; and to make and use and have a common seal, and the same to change and renew at pleasure; and generally to do every other act or thing necessary to carry into effect the provisions of this act: *Provided*, the said corporation shall purchase and hold only such lands, tenements, rents and hereditaments as shall be requisite for the convenient transaction of its business, or shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts. Commissioners & corporate powers.

Sec. 2. *And be it further enacted*, That there shall be a meeting of the members of the Raleigh Savings Institution on such a day, in the month of April next, or at any other

time, and at such places, as the persons above named, or any three of them, shall appoint, and give at least two day's notice in some one or more papers printed in Raleigh, and on the second Monday in every January, and at such place annually thereafter as the by-laws of said Institution shall provide, for the purpose of having among the members eight directors to manage the affairs of said Institution for twelve months thereafter and until a new election shall take place: *Provided*, that each election shall be made within one month from the expiration of the terms for which the preceding directors shall have been elected; and the three members above named, or upon their refusal or neglect to act, any three named in this act shall be judges of the first elec[tion ?] of Directors, and the judges of all future elections shall be appointed and notice of such election given in such manner as the by-laws shall provide.

Meeting & election of directors.

Sec. 3. *Be it further enacted*, That the directors for the time being, or a majority of them, shall have power to elect a president from their own body or from among the other members; to appoint all such officers, agents, servants, as they shall deem necessary to conduct and expedite the business of said Institution; to fix their compensation, and in their discretion to dismiss them; to provide for taking of bonds to said Institution from all or any of the officers, agents or servants by them so appointed, with security, conditioned in such form as they shall prescribe, for the faithful execution of their several duties and to secure the corporation from loss; to regulate the manner of making and receiving d·posit·, the form of certificates to be issued to depositions [depositors?]; and the manner of transferring stock in said Institution; to provide for the investment of the funds of the corporation in such manner as they shall deem most safe and beneficial; to provide for the admission of members, and furnishing proof of said admission; to provide for paying all necessary expenses incurred in conducting the affairs of said

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corporation; and generally to pass all such by-laws as shall or may be deemed necessary to the exercise of the said powers and the powers vested in the said corporation by this charter; and the same by-laws to alter and repeal: *Provided*, that all such by-laws as may be made by the directors, may be altered or repealed by a majority of the members of said corporation assembled at any annual meeting, or at any general meeting called in pursuance of any by-law made for that purpose; and a majority of the members may, at any general or annual meeting, pass by-laws which shall be binding upon the directors: *Provided*, that such by-laws shall not be contrary to the laws of this State or of the United States.

Deposits.

Sec. 4. *And be it further enacted*, That said corporation shall be capable of receiving, from any person or persons or bodies corporate or politic, any deposit or deposits of money; and that all monies so received shall be invested in public stocks or other securities, at the discretion of the directors, in the manner deemed most safe and beneficial: *Provided*, that no part of said funds of said Institution shall be loaned to any officer or director of the Institution: *Provided always*, that nothing herein contained shall be construed to authorize this corporation to issue any bill, note or any other device in the value [nature?] of a bank note.

Paym'nt of deposites.

Sec. 5. *And be it further enacted*, That such deposits shall be repaid to each depositor when required, at such times and with such interest and under such regulations, as the Board of managers shall from time to time prescribe; which regulations shall not be altered so as to affect any one who may have been a depositor previously to such alteration; and all certificates or evidences of deposits made by the proper officer, shall be as effectual to bind said corporation, as if they were under the common seal thereof.

Minors.

Sec. 6. *Be it further enacted*, That when any deposit shall be made by any person being a minor, the said corporation may pay to such depositor such sum or sums of money

as may be due to him or her at their discretion, not exceeding two hundred and fifty dollars, although no guardian shall have been appointed for such minor; and the receipt or acquittance of such minor shall be as valid as if the same were executed by a guardian of such minor.

Examination & dividends.

Sec. 7. *Be it further enacted*, That it shall be the duty of the directors, at least once in every six months to appoint five competent members of said corporation as a committee of examination, whose duty it shall be to investigate the affairs of said corporation, and to make and publish a report thereof in one or more newspapers printed in Raleigh or in the State; and it shall be the duty of the directors, on the first day of January and the first day of July, in each and every year, to make and declare a dividend of the interest and profits of the said corporation, after paying its expenses, and the same to pay over unto the depositors or their legal representatives within ten days thereafter, if called upon.

Resp'cting transfers.

Sec. 8. *And be it further enacted*, That no stockholder who is a debtor to this Institution shall be permitted to transfer his stock, until such debt be paid or otherwise secured to the satisfaction of the directors.

Loans.

Sec. 9. That in all discounts or loans to be made by said corporation, it shall not take more than six per cent. per annum, which interest shall be taken in advance at the time of discount.

Inspection of Treasurer.

Sec. 10. That the concerns of the Institution hereby intended to be incorporated shall at all times be subject to the inspection of the treasurer of this State, or of such other officer or agent as may be selected for that purpose by the General Assembly.

Capital.

Sec. 11. *Be it further enacted*, That the capital stock of said corporation shall not exceed the sum of two hundred and fifty thousand dollars, until an additional capital is authorized by the General Assembly, and that the power is hereby re-

served to the General Assembly from and after the year 1870 to dissolve said incorporation.

[Ratified 28th January, 1851.]

CHAPTER CLXXXII.

AN ACT to incorporate the Mechanics' Savings Society of Weldon.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That James Simmons, H. C. Wiatt, Benjamin W. Bass, Richard B. Parker, Thomas Sledge, Jerome Zollicoffer, James F. Simmons, Turner Fulgham and John Campbell, and such other persons as may associate with them, and their successors, be, and they are hereby incorporated into a company by the name and style of "The Mechanics' Savings Society of Weldon," and by that name may hold and possess property, sue and be sued, plead and be impleaded in any of the Courts of this State: *provided*, that the said corporation shall purchase and hold only such lands, tenements, rents and hereditaments as shall be requisite for the convenient transaction of its business. Commissioners & corporate powers.

Sec. 2. *Be it further enacted*, That the capital stock of the said company shall not exceed the sum of twenty thousand dollars, including such property as they at any time may hold; and it shall be lawful for the said company to loan such sums of money as they may have on hand from time to time, at a rate of interest, not exceeding six per cent. per annum; Capital, deposits, loans.

and it shall be furthermore lawful for the said company to receive on deposit such sum or sums of money as may be offered, and to issue a certificate of deposit to each depositor, promising to pay the amount of such certificate ten days after date, and upon ten days previous notice, bearing interest not exceeding five per cent. per annum, as may be agreed upon between the parties. And if upon demand of payment of any such certificate, the notice aforesaid having been duly given, the same shall be refused or neglected, the said Company shall be liable in damages to the owner of such certificate for the payment of ten per cent. upon the amount thereof over and above the interest on the same; the amount of which damages and interest shall be recoverable before any jurisdiction having cognizance of the same: *Provided*, that no part of the funds of said society shall be loaned to any officer or director of said Institution: *And provided further*, that nothing herein contained shall authorize said Corporation to issue any bill, note or other device in the nature of a bank note.

Meetings, directors, profits.

Sec. 3. *Be it further enacted*, That the said Company shall have power and authority to hold annual meetings in the town of Weldon, and to meet oftener on their own adjournments, if they deem it expedient; to elect a president and four directors annually to manage their affairs, who shall hold their offices for one year and until others are elected in their stead. It shall be the duty of the said president and directors to report annually, or oftener if required by members owning a majority of the capital stock of said company, the actual condition of the affairs of said company and the profits which may have been made, which profits it shall be lawful for said company to divide among themselves when they may think proper.

Sec. 4. *Be it further enacted*, That the said president and directors shall have power and authority to elect annually a treasurer for said company, who shall enter into bond, with

good security, in such sum as may be deemed proper, payable to the said Mechanics' Savings Society of Weldon, conditioned for the faithful discharge of his duties and punctual accounting for such sum of money as shall come into his hands by virtue of his office. And they shall furthermore have authority to call a meeting of the stockholders of said company, whenever they may consider the same expedient, upon ten days previous notice by advertisement in the nearest published newspaper. Powers of directors.

Sec. 5. *Be it further enacted,* That it shall be the duty of the said president and directors to issue a certificate of stock to each stockholder, for the sum he may vest in the said company, which shall be transferable by deed written on the same, executed in the persence of one witness and proved or acknowledged before the said president and directors. Certificates.

Sec. 6. *Be it further enacted,* That the said company shall have power and authority to make all such by-laws, for the good government of their affairs, as they may deem proper and expedient, provided the same be not repugnant to the constitution and laws of this State and of the United States; and that this charter shall exist for thirty years and no longer. By-laws.

[Ratified 24th January, 1851.]

CHAPTER CLXXXIII.

AN ACT to incorporate the Jackson Savings Institution in Northampton County.

Section 1. *Be it enacted by the General Assembly of the*

State of North-Carolina, and it is hereby enacted by the authority of the same, That John Randolph, William Barrow, James W. Newsom, Samuel Calvert, John B. Odom, David A. Barnes, John Calvert, John B. Bynum, Herod Faison, E. J. Peebles, James L. Buffaloe, William H. Gray, Thomas J. Jarrot, Isaac Peble, Henry K. Burgwyn, E. D. N. Clarey, Henry W. Grant, James H. Cross and William H. Whitehead, and such other persons as may associate with them and their successors, be, and they are hereby incorporated into a company by the name and style of the "Jackson Savings Institution, in Northampton County," and by that name may hold and possess property; sue and be sued, plead and be impleaded in any of the courts of this State; and have perpetual succession and a common seal, which they may change and renew at pleasure.

Commissioners and Corporate powers.

Sec. 2. *Be it further enacted,* That the capital stock of the said Company shall not exceed the sum of fifty thousand dollars, including such property as they may at any time hold: and it shall be lawful for the said company to loan such sums of money as they may have on hand from time to time, at a rate of interest not exceeding one half of one per cent. for thirty days; and it shall be furthermore lawful for the said Company to receive on deposit such sum or sums of money as may be offered, and to issue a certificate of deposite to each depositor, promising to pay the amount of such certificate twenty days after date and upon ten days previous notice being given of such application, such certificate bearing such interest as may be agreed upon between the parties. And if, upon demand of payment of any such certificate, the notice aforesaid having been duly given, the same shall be refused or neglected, the said Company shall be liable in damages to the owner of such certificate for the payment of two per cent. upon the amount thereof over and above the interest on the same; the amount of which certificate, damages and interest shall be recoverable before any jurisdiction having cognizance of the same.

Capital, loans, deposits.

Sec. 3. *Be it further enacted*, That the said Company shall have full power to invest their funds in notes, bonds, bills of exchange and other securities, according to the rules and regulations which may be prescribed by a Board of Directors to be appointed as hereinafter provided; *and provided further*, that the said Company shall not make a deduction upon such notes, bonds, bills of exchange and other securities exceeding one half of one per cent. for thirty days. Investments.

Sec. 4. *Be it further enacted*, That the said company shall have power and authority to hold a meeting of the stockholders, in the town of Jackson, on the second Monday in March, 1851; at which meeting a majority of the stockholders being present, they shall proceed to elect, from their number, a President and five Directors, who shall hold their office for one year and until others are elected in their stead. It shall be the duty of the said President and Directors to manage the affairs of said company, and report annually (or oftener if required by members owning a majority of the capital stock of said company) the actual condition of the affairs of said company, and the profits which may have been made, which profits it shall be lawful for said company to divide among themselves, when they think proper. Meeting, directors, profits.

Sec. 5. *Be it further enacted*, That the President and Directors of said company shall have power and authority to elect annually a Treasurer for said company, who shall enter into bond, with good security, in such sum as may be deemed proper, payable to the said "Jackson Savings Institution, in Northampton County," conditioned for the faithful discharge of his duties and punctual accounting for such sum of money as shall or may come into his hands by virtue of his office. And they shall furthermore have authority to call a meeting of the stockholders of said company, whenever they may consider the same expedient, upon five days previous [notice ?] by advertisement, as may be provided by the rules and regulations of said company. Powers of directors.

Sec. 6. *Be it further enacted*, That it shall be the duty of the said President and Directors to issue a certificate of stock to each stockholder, for the sum he may vest in the said company, which shall not be transfered without the consent of a majority of the stockholders; but any stockholder may at any time withdraw the amount of his investment, upon giving twenty days notice of his intention so to do.

Certificates.

Sec. 7. *Be it further enacted*, That the said company shall have power and authority to make all such by-laws, for the good management of their affairs, as they may deem proper and expedient, provided the same be not repugnant to the constitution and laws of this State and of the United States.

By-laws.

Sec. 8. *Be it further enacted*, That the said company shall not at any one time hold more real estate, than shall be necessary to conduct the business of said company.

Real estate.

[Ratified 24th January, 1851.]

SHEEP.

CHAPTER CLXXXIV.

AN ACT to encourage the raising of Sheep in the counties of Watauga and Ashe.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the County Court of Watauga and Cherokee counties, a majority of the Justices being present, shall, at any Court thereafter to be held in said county, have power to lay a tax on the citizens of said county for the purpose of paying any person or persons who kill any wolf or red fox that is caught in said county; said Courts shall affix the sum for the same,

Tax to pay for killing wolves & foxes.

and cause it to be entered on the records of the clerk's books of said counties respectively, which sum shall not be changed but by a majority of said justices ; and said courts shall prescribe the form of the affidavit that each person shall take before some justice of the peace, before he shall be entitled to receive his pay for the same.

To be paid out of county fund.

Sec. 2. *Be it further enacted*, That a majority of the justices of Ashe county shall have power to pay, out of the county funds of said county, whatever sum they may deem right, to any person or persons of said county who may kill any red fox in said county, which sum shall not be changed but by a majority of said justices; and they shall have power to prescribe the form of the affidavit that each person shall make before some justice of the peace for said county, before they shall receive any pay for the same.

[Ratified 28th January, 1851.]

SHERIFFS.

CHAPTER CLXXXV.

AN ACT concerning the duties of sheriffs.

SECTION

1. Sheriff to lay before Grand Jury a list of persons who may have obtained license to retail spirituous liquors by the small measure.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of*

the same, That hereafter it shall be the duty of the sheriff of each county to lay before the Grand Jury of his county, at each court, as soon as the said Grand Jury shall be assembled, a list of all persons who may have obtained license to retail spirituous liquors by the small measure during the time he may have been sheriff, not exceeding two years previous to said court. And any sheriff, failing to perform the duty aforesaid, shall forfeit and pay to the State the sum of ten dollars, to be sued for and recovered for the State by the prosecuting officer of said court.

[Ratified 28th January, 1851.]

SLAVES.

CHAPTER CLXXXVI.

AN ACT to prevent more effectually the corruption of the slave population.

[Prohibits white persons from playing any sort of games with slaves.]

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That hereafter it shall not be lawful for any white person to play with and slave or slaves at any game of cards, or at any game of hazard or chance whatsoever, whether for money, liquor or property or not; and any person so offending shall be subject to indictment, and, on conviction, shall be fined or imprisoned at the discretion of the court: *Provided*, that such imprisonment shall not exceed six months.

[Ratified 28th January, 1851.]

CHAPTER CLXXXVII.

AN ACT to repeal an act of the General Assembly of 1848-'9, Chapter 93, entitled an act to amend an act, passed at the last Session of the General Assembly entitled "An Act to provide for the apprehension of runaway slaves in the Great Dismal Swamp and for other purposes."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the act of the General Assembly of the Session of 1848-'9, Chapter 93, entitled an act to amend an act, passed at the last Session of the General Assembly entitled an act to provide for the apprehension of runaway slaves in the Great Dismal Swamp, be, and the same is hereby repealed, so far as the same relates to the citizens and residents of the counties of Beaufort and Hyde.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

TESTIMONY.

CHAPTER CLXXXVIII.

AN ACT to facilitate the taking of testimony before referees, arbritrators or other commissioners.

Sec. 1. *Be it enacted by the General Assembly of the State of North*

Carolina, and it is hereby enacted by the authority of the same, That hereafter when an order of reference or an order to take testimony, shall be made in any suit pending in either of the Courts of this State, it shall be lawful for either the Clerk of the Court in which such order may be made, or the persons to whom the same may be directed, to issue subpoenas or other legal process to compel the attendance of witnesses; and any referee, arbitrator or commissioner, to whom any such order may issue, shall have full power and authority to administer oaths, and to record the default of witnesses in like manner as is now allowed by law in the several Courts of this State.

Clerk to issue subpoenas and referees, &c. to administer oaths, &c.

Sec. 2. *Be it further enacted*, That whenever the default of any witness may be recorded as prescribed in the above section, the same shall be certified in writing, to the Court in which the suit may be pending, and recorded by the Clerk of said Court in the proper case, which shall be deemed a sufficient record on which to ground a *scire facias* against such defaulting witness at the instance of the party injured thereby.

Defaulting witness.

Sec. 3. *Be it further enacted*, That all persons summoned as witnesses before any Clerk, Clerk and master in Equity, referee, arbitrator, or other commissioner as herein prescribed, shall be entitled to receive the same pay as is now allowed to other witnesses, their attendance to be proved before the person or persons taking their testimony and taxed as the other costs in such suit.

Pay of witnesses.

[Ratified 24th January, 1851.]

CHAPTER CLXXXIX.

AN ACT concerning depositions.

[One Commissioner shall have power to take depositions.]

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That one Commissioner shall have power to take depositions hereafter, in all cases whatever; and that all laws and clauses of laws requiring any greater number, be, and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

TRUST FUNDS.

CHAPTER CXC.

AN ACT to authorize the investment of trust funds in the bonds and certificates of the State.

Sec. 1. *Be it enacted by the General Assem'bly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for all guardians, executors and other persons holding moneys in trust for the benefit of others, to invest the same in any bonds or certifi- Persons holding funds may invest.

cates which have been or may hereafter be issued by this State, or which the State may in any manner be held as responsible by endorsement or otherwise.

Sec. 2. *And be it further enacted*, That for all such investments thus made on account of any trust funds whatever, it shall be lawful for the persons making the same to settle and pay off the debts or obligations on account of which the said moneys may have been held, by the transfer of any bond or certificate, which they may have received for such investment, as well as in discharge of any interest which may have accrued on the same, any law to the contrary notwithstanding.

Bonds &c. to be rec'd in payment.

[Ratified 28th January, 1851.]

WARDENS OF THE POOR.

CHAPTER CXCI.

AN ACT for the better regulation of the Wardens of the Poor for the county of Duplin, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That any three of the Wardens of the Poor for the county of Duplin may transact all business which is now required to be done by a majority of said Wardens, provided that the same is not in conflict with any law, rule or regulation adopted by a majority of said Wardens.

3 wardens may act.

Sec. 2. Be *it further enacted*, That the wardens of the poor for the county of Duplin may and they are hereby authorized to appoint one of their body a treasurer, to receive all moneys due to the wardens for the use of the poor of said county, who shall enter into bond, in the sum of four thousand dollars, payable to the State of North Carolina, and conditioned for his faithful accounting for and paying over all moneys which shall come into his hands, and shall be allowed a commission not exceeding five per cent. on all receipts and disbursements to be rated by the County Court of said county; and for all breaches of the conditions of said bond, suit may be brought in any Court having jurisdiction thereof, in the name of the State to the use of the wardens of the poor. Treasurer.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

WITNESSES.

CHAPTER CXCII.

AN ACT to regulate the pay of witnesses in the county of Bladen.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That each and every person, who, having been

lawfully summoned, shall attend any of the Superior Courts of law, or Courts of Pleas and Quarter Sessions of the county of Bladen, shall be allowed, for each and every days attendance, the sum of one dollar, any law to the contrary notwithstanding.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after the first day of March, 1851.

[Ratified 28th January, 1851.]

RESOLUTIONS

OF

A PUBLIC NATURE,

PASSED BY THE

GENERAL ASSEMBLY OF NORTH-CAROLINA,

AT ITS

SESSION OF 1850-'51.

RESOLUTION concerning Acts of Assembly.

1. *Resolved*, That the Secretary of State have all the Acts of Assembly hereafter furnished the several clerks of the several Counties in this State, well bound in good leather, for the use of their respective offices. Acts to be bound.

2. *Resolved*, That it shall be the duty of the clerks of the several county courts of this State to furnish the Secretary of State, during the month of November, 1852, and every two years thereafter, with a correct list of all the Justices of the Peace in their respective counties. Clerks to furnish list of justices.

[Ratified 28th January, 1851.]

RESOLUTION to authorize the President and Directors of the Literary Fund to loan three thousand dollars to "Chowan Female Institute."

Resolved, That the President and Directors of the Literary Fund be authorized to loan to the "Chowan Female

Institute," the sum of three thousand dollars, out of any moneys not otherwise appropriated, when the Trustees of said Institute shall give bond and sufficient security for safety of said loan, and the payment of the interest semi-annually; when the President and Directors of the Literary Fund shall have on hand that amount of money uninvested, or not required for the purpose of common schools.

[Ratified 15th day of January, 1851.]

A RESOLUTION authorizing a loan of two thousand dollars to the Trustees of Mount Pleasant Academy, in the county of Cherokee.

Resolved, That the president and directors of the Literary Board are hereby instructed to loan to the Trustees of Mount Pleasant Academy, in the county of Cherokee, two thousand dollars, the same being secured by bond and good personal security, and the interest accruing thereon paid semi-annually, *provided*, the Literary Board may have any money on hand not already invested, or likely to be called for, for common school purposes.

[Ratified 8th January, 1851.]

RESOLUTION concerning the State Arsenal at Fayetteville.

Resolved, That Duncan G. McRae be authorized to have the State Arsenal, at Fayetville, so constructed and repaired, as to preserve the arms of the State; and that the Governo[r]

be authorixed to draw on the Treasurer for moneys to defray the expenses of the same, not exceeding six hundred dollars.

[Ratified 28th January, 1851.]

RESOLUTIONS to appoint certain persons commissioners to make an award in the case of the Literary Board and the Messrs Cosby.

WHEREAS a difference has arisen between the Literary Board and the Messrs. Cosby, the contractors for the building of the Deaf and Dumb Asylum, and it being desirable to have the matter settled at an early day and to the satisfaction of the parties interested:

1. *Be it therefore Resolved*, That Thomas D. Hogg and William F. Collins, together with James E. Allen, of Oxford, and Jacob W. Holt of Warrenton, be appointed commissioners to settle the matter in dispute, according to the principles of equity and justice; and that their award, or the award of any three of them, shall be final; and that the Literary Board be authorized to execute the same.

2. *Resolved further*, That Messrs. Allen and Holt be allowed five dollars per day for their attendance on said board, to be paid according to the award of said commissioners.

[Ratified 28th January, 1851.]

RESOLUTION for the relief of certain purchasers of Cherokee lands, residing in Macon county.

Resolved, That the benefits of an act of the present session of the General Assembly, to provide relief for certain purchasers of Cherokee lands, shall be extended as well to those purchasers in Macon county who bought in 1836, as those who bought in 1838.

[Ratified 28th January, 1851.]

RESOLUTIONS granting land for a church.

Resolved, That ten acres of the unsurveyed land, in the county of Cherokee, belonging to the State, be, and is hereby given to the Baptist denomination in the vicinity of Fort Hembree, for the purpose of building a church thereon.

Resolved further, That the Secretary of State be authorized to issue a grant for the same, after it shall have been surveyed and its boundaries described, on condition that ten cents per acre be paid to the agent of the State, and his receipt forwarded to the Secretary.

[Ratified 28th January, 1851.]

RESOLUTIONS providing for the publication of Colonial Records, and for other purposes.

Sec. 1. *Resolved*, That the Governor, Secretary of State,

Treasurer and Comptroller be instructed to contract for the printing of one hundred and fifty copies of the following records now in the office of the Secretary of State, viz: (1) Journals of the Assembly of the Province of North-Carolina, held in the year 1715; (2) Journals of the Assembly of North-Carolina from the year 1754 to 1763; (3) do. of ditto from the year 1763 to 1768; (4) do. of ditto from the year 1769 to 1771; (5) do. of ditto from the year 1773 to 1775; (6) Council book or Records of the proceedings of the Governor and Council of North Carolina from the year 1734 to 1740; (7) do. of ditto from 1764 till the Revolution; (8) Journals of the Provincial Congress of North-Carolina from 1776 to 1789; and that they have them bound and deposited in the office of the Secretary of State, subject to the future order of the Assembly. Heads of departments to contract for printing documents.

Sec. 2. *Resolved*, That William Hill, the Secretary of State, be, and he is hereby instructed to certify to the correctness of each printed copy to the original in his office; and that for the cost of printing and binding the said books, the sum of one thousand [dollars] is hereby allowed from any monies in the Treasury not otherwise appropriated. Certificate of correctness of copy—appropriation.

[Ratified 29th January, 1851.]

RESOLUTION providing for the appointment of assistant Engrossing Clerks.

Resolved, That the Principal Clerks of the two houses be, and they are hereby authorized to employ one or more additional assistant Engrossing Clerks, as they may be needed for the present General Assembly, and that they shall be

paid the same amount per diem, as the other Engrossing Clerks are now paid by law.

[Ratified 11th January, 1851.]

RESOLUTION for furnishing the Engrossing Clerks' room.

Resolved, That the sum of sixteen dollars be appropriated to furnishing the room of the Engrossing Clerks with necessary furniture, to be paid out of any moneys in the Treasury not otherwise appropriated.

[Ratified 23rd December, 1850.]

RESOLUTION appropriating one thousand dollars for furnishing the Governor's house.

Resolved, That the sum of one thousand dollars be, and is hereby appropriated to the purchase of furniture for the Governor's residence, the purchase of said furniture to be made under the direction of the Governor.

[Ratified 27th January, 1851.]

RESOLUTIONS for opening a communication between Beaufort Harbour and the waters of Pamlico Sound.

Whereas in the year 18—, it was successfully demonstrated that the channel of Core Sound could be so deepened by dredging, as to open a communication between Beaufort Harbour and the waters of Pamlico Sound, for the passage of Merchant vessels; and the complete success of said undertaking was only prevented by the accidental destruction of the instruments then employed for said purpose; Therefore,

Resolved, That our Senators and Representatives in Congress be, and they are hereby requested to use their best exertions to procure an appropriation of money by the General Government for opening said water communication, and the completion of the work undertaken as aforesaid in the year 18—.

Resolved 2nd, That a copy of the foregoing preamble and resolution be transmitted by the Governor of this State to our Senators and Representatives in Congress.

[Ratified 28th January, 1851.]

RESOLUTION requesting our Senators and Representatives in Congress to endeavor to procure a Hydrographic Survey of the waters lying between Pamlico Sound and Beaufort Harbour.

Resolved, That our Senators and Representatives in Congress be, and are hereby requested to procure a Hydrographic survey of those waters lying between Pamlico Sound and Beaufort Harbour, known as Core Sound with a view of having the channels of said sound deepened by dredging or otherwise.

2. *Resolved*, That a copy of these resolutions be transmitted to our Senators and Representatives in Congress.

[Ratified 28th January, 1851.]

RESOLUTIONS in relation to the encouragement of Home Industry, and requesting our members in both branches of Congress to vote against any increase of tariff duties.

Preamble. WHEREAS, The Southern States of this Union have, since the formation of the Federal Government, assisted in fostering and nourishing the manufacturing and mining interests of the non-slaveholding States, by voting to impose high taxes upon importations from foreign countries which might come in competition with the productions of the labor and industry of the aforesaid non-slaveholding States; and whereas these acts of generosity and self sacrifice have been unappreciated at the North, and the people of that section show a disposition to make unceasing attacks upon our institutions and property: therefore,

No further protecti'n. *Resolved*, That the State of North Carolina feels herself under no further obligation, by the votes of her representatives in Congress or otherwise, to protect the "Home Industry" of the non-slaveholding States.

State Legislation. 2. *Resolved*, That if our own industry needs protection it can be better effected by State than by Congressional legislation.

o increase of tariff. 3. *Resolved*, That the present tariff is high enough to afford sufficient revenue to carry on an economically administered government, and ought not to be increased.

4. *Resolved*, That the foregoing resolutions be transmitted to our members in both houses of Congress, with a request

that they lay them before their respective houses, and with the further request, that they vote against any change in the present tariff laws which may have the effect to protect or encourage the manufacturing or mining interests of the free States or which may have the effect to increase the cost to the Southern consumer of any of the products of foreign countries. Request of Representatives.

[Ratified 22th January, 1851.]

RESOLUTIONS for printing index to documents, &c.

Resolved, That the Public Printer be directed to prepare and print a full and complete index to accompany the duplicate copy of the printed documents of the session of the General Assembly, required by act of the last session to be bound for each member; and that the public treasurer pay him as a compensation therefor, the sum of one hundred dollars, out of any money in the treasury not otherwise appropriated.

2. *Resolved further*, That the Public Printer be directed to print the Comptroller's report of 1849, to be bound with the other documents; and that he be paid for the same as for the other printing of the session.

[Ratified 29th January, 1851.]

RESOLUTION authorizing Jacob Siler agent of the State to correct a mistake in the sale of a tract of land to Isaac Moody.

Resolved, That Jacob Siler, agent of the State be, and he is hereby authorized to correct a mistake made in the sale of a tract of land to Isaac Moody, which tract appears on the certificate to be No. 141, which should have been No. 140, and that the money paid to said agent and bonds taken shall be made to apply to the tract No. 140 instead of No. 141.

[Ratified 28th January, 1851.]

RESOLUTIONS in relation to the block of marble presented by the citizens of Lincoln county for the Washington Monument.

Resolved, That His Excellency the Governor cause to be transmitted the block of marble presented by the patriotic citizens of Lincoln county, for the Washington Monument, and that he cause to be made on it the following inscription, together with the coat of arms of the State, to wit:

NORTH CAROLINA
DECLARATION OF INDEPENDENCE,
Mecklenburg,
May, 1775.

2. *Resolved*, That the Governor draw his warrant on the Treasurer of the State, for such sum as may cover the expenses for the freight, and for carrying into effect the foregoing resolution, and that the Treasurer be authorized to pay the same.

[Ratified 15th January, 1851.]

A RESOLUTION, to provide a safe depository for maps and documents relating to public surveys and internal improvements of the State, and for other purposes.

Resolved, That in order to preserve the maps, charts, documents and other material relating to surveys which have been or may hereafter be made with reference to any work of public improvement in this State; the room in the west wing of the Capitol, known as committee room, No. 3, be appropriated and set apart as a permanent bureau of engineering; and the same is hereby directed to be fitted up, under the superintendence of the clerks of the two houses, with the requisite tables, closets and other fixtures; and that hereafter all companies incorporated for said purposes of public improvements, be required to furnish to this bureau, for the use of the General Assembly and the public officers of the State, a correct map and profile of the contemplated improvements, drawn to an uniform horizontal scale of four hundred feet to an inch; and that all such charts and other documents of a like character as may be furnished to the State shall be deposited for safe keeping in said room, under the charge of the State Librarian or State Engineer, should there hereafter be one appointed; and the expense of so fitting up said room to an amount not exceeding twenty-five dollars, be defrayed from the Public Treasury.

Room appropriat'd.

Companies to furnish maps.

[Ratified 1st January, 1851.]

RESOLUTIONS directing the Adjutant General to publish copies of the Muster Rolls of the soldiers of the war of 1812.

Resolved, That the Adjutant General be and is hereby directed, to have published a hundred copies duly certified

of the muster rolls of the soldiers of the war of 1812, which
Rolls to be printed. are on file in his department, and that one copy be sent to the clerk of the county court in each county of this State.

Resolved further, That when it shall be made to appear to the Treasurer that the requirements of the above resolu-
Pay Ad. Gen. tion, have been complied with, he shall pay to the Adjutant General, as a compensation for his services out of any money not otherwise appropriated, the sum of one hundred dollars.

[Ratified 28th January, 1851.]

RESOLUTIONS in relation to Nag's Head.

Resolved by the General Assembly of the State of North Carolina, That the re-opening of the Inlet at or near Nag's Head, between the ocean and Albemarle sound, is a work of deep importance to a very large and wealthy portion of this State, and of vast advantage to the general commerce and navigation of the whole country.

2. *Resolved*, That this work is peculiarly within the powers and duty of the General Government, and that Congress will fail in one of its great duties to the State of North Carolina, and to the commerce and navigation of the country, if the necessary appropriation of money for the construction of this great work is not promptly made, and the work prosecuted to completion with all reasonable dispatch.

3. *Resolved further*, That it is a matter of just complaint, on the part of the people of North Carolina, that this work has been so unreasonably delayed, and its further delay will be considered a palpable wrong and injustice to the State, as one of the members of the Confederacy, possessing equal rights, and bound to equal duties with her sister States,

which cannot fail to produce great discontent and dissatisfaction.

4. *Resolved*, That our Senators and Representatives in Congress be requested to use their best exertions to effect the object contemplated by the foregoing resolutions.

[Ratified 15th January, 1851.]

RESOLUTION authorizing repairs of the Raleigh and Gaston Rail Road.

Resolved, That the President and Commissioners of the Raleigh and Gaston Rail Road, be authorized to anticipate the usual receipts of said Road, by the purchase on time of two hundred and fifty tons of iron for the purpose of repairing said Road, and that they be authorized to pledge the receipts of said Road for the payment of said debt; and the said iron, when the charter shall be accepted by the stockholders under the charter granted by this present General Assembly, shall be sold for the benefit of the State.

PROVIDED, That the State shall not in any manner or in any event, be held responsible or liable for the purchase money, which may be due for said two hundred and fifty tons of iron.

[Ratified 28th January, 1851.]

RESOLUTIONS directing the Treasurer to subscribe for two thousand shares of the Wilmington & Manchester Rail Road stock.

Resolved by the General Assembly of North Carolina, That the Public Treasurer of the State of North Carolina be and he is hereby authorized and directed to subscribe in the name of the State for two thousand shares of the capital stock of the Wilmington and Manchester Rail Road Company: *Provided* the said Wilmington and Manchester Rail Road Company will agree in due form of law according to their charter to accept in payment for said subscription, two thousand shares of the stock belonging to the State in the capital stock of the Wilmington and Raleigh Rail Road Company, and the Public Treasurer is further authorised and directed to assign and transfer to the said Wilmington and Manchester Rail Road Company or to their assigns, the said two thousand shares of stock, part of that held and owned by this State in the Wilmington and Raleigh Rail Road Company; whenever the Wilmington and Manchester Rail Road Company will issue to the State and deliver to the Public Treasurer a certificate for the same number of shares in the Wilmington and Manchester Rail Road Company.

Resolved further, That unless the Wilmington and Manchester Rail Road Company will in due form of law agree to and accept the foregoing proposition within twelve months from the date of the passage of these resolutions, the same shall be null and void.

Resolved further, That nothing in the foregoing resolutions shall be taken or construed as an engagement upon the part of the State of North Carolina to become responsible for or on account of any other dealings, acts or contracts of the said Wilmington and Manchester Rail Road Company or for any loss or discount if there should be any upon a sale of the stock hereby directed to be assigned.

And provided further, That the said stock shall not be sold below par either directly or indirectly.

[Ratified 28th January, 1851.]

Resolution concerning the Standard of Weights and Measures.

Resolved by the General Assembly of the State of North-Carolina, and it is hereby resolved by the authority of the same, That his Excellency the Governor be authorized and requested to furnish the Clerks of the County Court of Watauga and Madison, each, the Standard of weights and measures heretofore furnished to other counties in the State, and that the cost of the same, together, with the amount of transportation, be paid for out of any money in the Treasury not otherwise appropriated.

[Ratified 28th January, 1851.]

Resolutions directing the purchase of stationery.

WHEREAS it is necessary and expedient that the Stationery which may hereafter be purchased for the use of the Legislature, should be bought at moderate prices; and whereas, it is believed that stationery for the use of the State could be purchased on cheaper terms by purchasing a quantity which may be deemed sufficient for the use of the next Legislature: Therefore,

Resolved, That Perrin Busbee, the Principal Clerk of the

House of Commons of the present Legislature, be authorized and directed to purchase a sufficient quantity of stationery for the use of the next State Legislature; and that he be directed to purchase said stationery on the cheapest and best terms he can for the State, to be paid for upon the warrant of the Governor.

[Ratified 29th January, 1851.]

RESOLUTION directing the President and Directors of the Literary Board to enquire into the practicability and expediency of draining certain lands in Carteret county, and for other purposes.

Resolved, That the President and Directors of the Literary Board be directed to enquire into the practicability and expediency of draining certain lands in Carteret county, known as the open ground Prarie; and should they deem it advantageous to do so, to commence the draining of said lands; and for that purpose five thousand dollars are hereby appropriated from the Literary Fund.

[Ratified 28th January, 1851.]

RESOLUTION directing the Public Treasurer to procure information in regard to certain taxable property under the act of 1848–'9.

Resolved, That the Public Treasurer be requested to open forthwith a correspondence by mail, with the County Court Clerks in this State, requesting each and every one of them to prepare, as soon as possible, from the returns in their offices of the lists of taxables taken in 1850, and forward the

same by mail to him, the Treasurer, a statement of the following items listed in July 1850, viz: "Gold and Silver Plate," "Pleasure Carriages," "Silver Watches," "Gold Watches," "Harps," "Piano Fortes," "Retailers of Spirituous Liquors," "Billiard Tables," "Bowling Alleys," "Packs of playing Cards sold," and that the expense incurred in preparing the circular letters to said clerks, postage, &c., be defrayed from the Public Treasury.

[Ratified 28th December, 1850.]

RESOLUTION in favor of the Public Treasurer.

Resolved, That the Public Treasurer be, and he is hereby authorized to borrow from the Literary Fund, or from the Bank of Cape Fear, or the Bank of the State, or from individuals, such sum or sums of money not to exceed twenty five thousand dollars, as may be necessary to meet the proper liabilities of the State, until the meeting of the next General Assembly: *Provided* that the sum or sums so borrowed shall be repaid by the Public Treasurer as soon as the condition of the Treasury will enable him to do the same.

[Ratified 28th January, 1851.]

RESOLUTION in relation to Vermont.

WHEREAS a message has recently been transmitted to the Senate by his Excellency David S. Reid, inclosing "resolu-

tions for the promotion of peace," forwarded by the Governor of Vermont, as having passed the Legislature of that State; and whereas the Legislature of the said State has recently passed an act for the nullification of an act of Congress, passed at its last session, on which the peace and harmony of this Union mainly depend: Therefore,

Be it resolved, That the Governor of this State be requested to send back to the Governor of Vermont the aforesaid "resolutions for the promotion of peace," with the declaration that North Carolina knows too well what is due to herself to receive from a sister State resolutions of that character, when the State so adopting and transmitting them, has been the first in the confederacy to assume to herself the right of violating the constitution of the United States, and bringing into jeopardy the peace and safety of the Union.

[Ratified 28th January 1851.]

RESOLUTION to issue a new warrant for Willis Gregory.

WHEREAS, in this case the original warrant has been lost or destroyed; consequently there has been no grant issued for this land:

Be it therefore Resolved by the Legislature of North Carolina now in session, That the Secretary of State be authorized and directed to issue a duplicate warrant for the same.

[Ratified 27th January, 1851.]

STATE OF NORTH CAROLINA:

OFFICE OF THE SECRETARY OF STATE, }
April, 1851. }

I, William Hill, Secretary of State, in and for the State of North Carolina, do hereby certify that the Acts and Resolutions contained in this Pamphlet are true copies of the original Acts and Resolutions, passed by the General Assembly of this State, at its late Session.

WM. HILL, Secretary of State.

PRIVATE ACTS

OF THE

STATE OF NORTH-CAROLINA,

PASSED BY THE GENERAL ASSEMBLY, AT ITS SESSION, WHICH COMMENCED ON MONDAY, THE EIGHTEENTH OF NOVEMBER, ONE THOUSAND, EIGHT HUNDRED AND FIFTY, AND ENDED ON THE TWENTY-NINTH OF JANUARY, ONE THOUSAND, EIGHT HUNDRED AND FIFTY-ONE.

ACADEMIES.

CHAPTER CXCIII.

AN ACT to incorporate the trustees of Tar River Academy.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That James A. Russell, William Clement, Allen Waller, Joseph Gooch, James C. Cazart and Lewis P. Allen, be, and they are hereby declared a body politic and corporate, by the name and style of "The Trustees of Tar River Academy;" and by that name shall have succession and a common seal; and shall have power to sue and be sued, to plead and be impleaded in any court of law in this State; and to acquire, purchase, have and hold all such lands and tenements, chattels and monies as may be necessary for the use of said academy, according to the will of the donor or donors thereof.

Sec. 2. *Be it further enacted*, That the said trustees, or

a majority of them, shall have power to fill all vacancies which may occur in their number by death or other cause, and to pass such laws and regulations as shall be necessary for the government and good morals of said institution.

Sec. 3. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CXCIV.

AN ACT to incorporate the Windsor Female Academy, in the County of Bertie.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That David Outlaw, L. S. Webb, Lewis Bond, William A. Ferguson, Stark B. Smith, Willie G. Clary, John R. Gilliam, Kader Biggs, H. B. Hardy, William Gray, Willie J. Gilliam, Thos. Bond, Thos. C. Watson, Lewis T. Bond and their successors and associates, be, and they are hereby constituted a body politic and corporate, to be known and designated by the name and style of "The Trustees of the Windsor Female Academy;" and by that name shall have a succession and a common seal, and shall sue and be sued, plead and be impleaded in any courts of law and equity in this State; and shall be capable in law of holding lands, tenements and chattels sufficient for all the purposes of said academy.

Sec. 2. *Be it further enacted,* That the corporation shall have power and authority to make all by-laws, rules and regulations that shall be necessary for the good government of said academy and the management of the property

and finances of the same; also to fill vacancies amongst the trustees, from time to time, occasioned by death, resignation or other causes; and also to appoint such officers as they may think proper.

Sec. 3. *Be it further enacted*, That said trustees shall have power to appoint all teachers in said Academy, to fix the rates of tuition, and to do and perform all such acts as are incidental to and usually exercised by bodies politic and corporate, not inconsistent with the constitution and laws of the State, for the accomplishment of the objects contemplated.

Sec. 4. *Be it further enacted*, That a majority of said trustees shall constitute a quorum for the transaction of any business connected with the said Academy.

Sec. 5. *Be it further enacted*, That this act shall be in operation from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CXCV.

AN ACT to incorporate the Trustees of Windsor Male Academy, in the county of Bertie.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Kader Biggs, L. S. Webb, George Gray, Lewis Bond, William A. Ferguson, John W. Gilliam, Stark B. Smith, B. J. Spruill, John W. Ferguson, Willie G. Clary, Henry B. Hardie, William Gray be, and they are hereby declared to be a body politic and corporate, to be known and designated by the name of "Trustees of Windsor Male A-

cademy," and by that name shall have succession and a common seal; and shall be invested with power and authority to sue and be sued, plead and be impleaded in any court of law in this State; and to hold such lands and tenements, goods, chattels and moneys sufficient for all the purposes of said academy.

Sec. 2. *Be it further enacted*, That said corporation shall have power to make all by-laws, rules, and regulations, that shall be necessary for the good government of said academy, and the management of the property and finances of the same, that shall not be inconsistent with the State or federal constitution, and also to fill vacancies amongst the trustees, from time to time, occasioned by death, resignation or other causes; and also to appoint such officers as they may think proper.

Sec. 3. *Be it further enacted*, That said trustees shall have power to appoint all teachers in said academy, to fix the rates of tuition, and to do and perform all such acts as are incident to and usually exercised by bodies politic for the accomplishment of the object contemplated.

Sec. 4. *Be it further enacted*, That a majority of the trustees shall constitute a quorum for the transaction of any business connected with said academy.

[Ratified 28th December, 1850.]

CHAPTER CXCVI.

AN ACT to incorporate the Trustees of Colerain Female Academy, in the county of Bertie.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of*

the same, That Henry S. Ward, Josiah White, Senr., Samuel B. Spruill, Zachariah Ellyson, Thomas Brown, Joseph H. Etheridge, John Wilson, Joseph W. Beasley, and their successors, be, and they are hereby declared and constituted to be a body politic and corporate, under the name and style of "The Trustees of Colerain Female Academy," and by that name shall have a succession and a common seal; and shall be invested with power and authority to sue and be sued, plead and be impleaded in any court of law or equity in this State; acquire and transfer property of any kind for the use and benefit of said academy.

Sec. 2. *Be it further enacted*, That the said trustees shall have power to appoint all tutors in said academy, to fix the rates of tuition, to fill vacancies in their body occasioned by death, removal or resignation; to establish such laws and regulations for the government of said academy as may be necessary for the preservation of order and good morals, and not inconsistent with the constitution of the United States or of this State; and to do and perform all such acts as are incident to and usually exercised by bodies politic for the accomplishment of the object contemplated.

Sec. 3. *Be it further enacted*, That a majority of the trustees shall constitute a quorum to transact any business connected with said academy.

[Ratified 28th December, 1850.]

CHAPTER CXCVII.

AN ACT concerning the Trustees of the Salisbury Female Academy.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, that the trustees of the Salisbury Female Academy, or a majority of them, shall have full power to sell and convey the corporate property vested in them by virtue of said office, upon their giving twenty days' notice in some newspaper published in the town of Salisbury, and shall distribute the proceeds thereof *pro rata*, among the original contributors, or their legal representatives, after retaining a sufficiency to defray the expenses of said sale and a reasonable compensation for their services.

Sec. 2. *Be it further enacted*, That said trustees, at the expiration of six months after receiving payment for said property, shall publish in some newspaper printed in the town of Salisbury, for four weeks, the names of and the sum due each person who may not have called for their share of said fund, and notifying them to call for the same within six months from the date of such notice; and all moneys not demanded within six months, shall be by the trustees aforesaid paid over to the county trustee of Rowan county; and they shall at the same time file a list with him of the persons to whom the same respectively belongs, which amount may be recovered from said county under the rules and regulations as money paid to county trustees by clerks and sheriffs when the same has remained in their hands for three years.

[Ratified 28th January, 1851.]

CHAPTER CXCVIII.

AN ACT to incorporate the "Cedar Grove Academy," in the county of Orange.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That John A. Allison, Catlett Tinnen, David Tinnen, William A. Allison, and Thomas Hughes be, and they are hereby declared a body politic and corporate, to be known and distingushed by the name of "The Trustees of the Cedar Grove Academy," and by that name shall have succession and a common seal, and shall be invested with power and authority to sue and be sued, plead and be impleaded in any Court of Law in this State; and to hold such lands and tenements, goods, chattels and moneys as may be required for the use of said Academy, according to the will of the donor or donors.

Sec. 2. *Be it further enacted,* That the said Trustees shall have power to appoint all Tutors in said Academy, to fix the rate of tuition; to fill vacancies in their body occasioned by death, removal or resignation; to establish such laws and regulations for the government of said Academy as may be necessary for the preservation of order and good morals and not inconsistent with the laws of this State and the United States; and to do and perform all such acts as are incident to and are usually exercised by bodies politic, for the accomplishment of the object contemplated.

Sec. 3. *Be it further enacted,* That three of said trustees shall always constitute a quorum to do any business connected with said academy.

[Ratified 27th January, 1851.]

CHAPTER CXCIX.

AN ACT to incorporate Franklinsville Academy, in the town of Franklinsville, Randolph county.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That George Makepeace, John Miller, James Johnson, Elisha Coffin, Philip Hearney, John Hendrix be, and are hereby constituted a body politic and corporate, and by the name and style of "the Trustees of Franklinsville Academy;" and by that name may sue and be sued, plead and be impleaded; shall have perpetual succession and a common seal; may acquire by purchase, gift or otherwise, to them and their successors, estates, real and personal, for the use of said Academy; and enjoy all other powers, privileges and immunities incident to bodies corporate of a like nature.

Sec. 2. *Be it further enacted,* That in case of any vacancy by death, removal, resignation or otherwise, any three of said trustees shall have power to fill vacancies thereby occasioned.

Sec. 3. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 28th January 1851.]

CHAPTER CC.

AN ACT to incorporate Kinston Academy, in the town of Kinston, Lenoir county.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the*

same, That Lewis C. Desmond, Henry F. Bond, James W. Cox, John F. Wooten, Richard G. Cobb, Joseph G. Herring and Herritage W. Blount, be, and they are hereby constituted a body politic and corporate, by the name and style of the "Trustees of Kinston Academy," and by that name may sue and be sued, plead and be impleaded; shall have succession and a common seal; may acquire, by gift, purchase, or otherwise, to them and their successors, estates, real and personal, for the use of said academy, and enjoy all other powers, privileges and immunities, incident to bodies politic of a like nature.

Sec. 2. *Be it further enacted*, That any three of said trustees may constitute a quorum for the transaction of business, and in case of refusal to act, death or vacancy occasioned otherwise, the remaining trustees, or any three of them shall have power to fill the vacancy occasioned thereby.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCI.

AN ACT to incorporate the trustees of Topsail Academy.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of establishing, maintaining and conducting an academy to be located near Topsail sound, in the county of New Hanover, Nicholas F. Nixon, David R. Gointo, David K. Futch, Obed F. Alexander, Joseph M. Foy, Luke M. Clanmy, Nicholas N. Nixon, and their successors in office as is hereinafter provided, be, and they are

hereby made and constituted a corporation and body politic, by the name and style of "The Trustees of Topsail Academy," and by that name shall be capable, in law, of holding and conveying real estate, so far as the same may be necessary for the uses or purposes of said corporation; shall have perpetual succession, may sue and be sued; may have a common seal; which they may alter and renew at their pleasure; may take by purchase, devise, bequest or otherwise; and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as may be necessary for the well ordering and conducting the affairs and general business of said corporation.

Sec. 2. *Be it further enacted*, That for the purpose of endowing said academy, the trustees aforesaid shall open books and secure subscriptions to an amount not exceeding five thousand dollars, in shares of ten dollars each, having first duly advertised the time and place of securing such subscriptions at least ten days before the opening of such books, which said books shall be kept open from time to time as said trustees may direct: That the subscribers as aforesaid shall be required to pay one half of the amount subscribed by them, at the time of their subscriptions respectively, or at such other time as said trustees shall designate; and the residue of such subscriptions shall be paid whenever said trustees may require the same to be paid; and any subscriber who shall fail to pay his subscriptions as aforesaid, after he has been notified by said trustees that the same is required to be paid, or after a general notice to that effect, published for two weeks in some one of the newspapers of the town of Wilmington, may be proceeded against in the name of said corporation, by suit at law in the county or superior courts of New Hanover county, or by warrant from any justice of the peace of said county, according to the jurisdiction of such tribunals respectively.

Sec. 3. *Be it further enacted*, That so soon as the sum

of one thousand dollars has been subscribed, as aforesaid, it shall be the duty of said trustees to call a general meeting of said subscribers; that said subscribers shall meet annually at such time and place as they may have, at their previous meeting, appointed, and shall elect a board of trustees, the number of which shall not be less than five nor exceeding seven, and shall make all such by-laws as may be deemed judicious, and do and perform all such business as may be necessary for the management of the general affairs of said corporation.

Sec. 4. *Be it further enacted*, That the said trustees, so to be elected by the subscribers aforesaid, shall hold their offices for one year, and until their successors shall be elected; shall elect a president from among their own number; shall make annual reports, accounts and settlements, and manage all the affairs of the academy.

Sec. 5. *Be it further enacted*, That a majority of said board of trustees shall always constitute a quorum to do and transact any business connected with said academy; and that in case of a vacancy occurring by death, resignation, removal or otherwise, that the remaining number of said board of trustees shall have power to elect and fill such vacancy.

Sec. 6. Be *it further enacted*, That no license to retail spirituous liquors at the site or within two miles of said academy shall be granted, and, if granted, the same shall be void.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCII.

AN ACT to incorporate the Trustees of Long Creek Academy in the county of New Hanover.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That for the purpose of establishing, maintaining and conducting an Academy, to be located at or near Long Creek Bridge, in the county of New Hanover, James Garrison, Fletcher H. Bell, William S. Larkins, James McIntyre, Thomas H. Williams, S. H. Bell and Thomas J. Armstrong, and their successors in office, as is hereinafter provided, be, and they are hereby made and constituted a corporation and body politic, by the name and style of "the Trustees of Long Creek Academy," and by that name shall be capable in law of holding and conveying real estate so far as the same may be necessary for the uses or purposes of said corporation; shall have perpetual succession; may sue and be sued; may have a common seal, which they may alter and renew at their pleasure; may take by purchase, devise, bequest or otherwise, and may make all such by-laws, rules and regulations, not inconsistent with the laws of this State or of the United States, as may be necessary for the well ordering and conducting the affairs and general business of said corporation.

Sec. 2. *Be it further enacted*, That for the purpose of endowing said Academy, the Trustees aforesaid shall open books and secure subscriptions to an amount not exceeding five thousand dollars, in shares of ten dollars each, having first duly advertised the time and place of securing such subscriptions at least ten days before the opening of such books, which said books shall be kept open at least thirty days and may be opened from time to time as said trustees may direct. That the subscribers as aforesaid shall be required to pay one half of the amount subscribed by them

at the time of their subscriptions respectively, or at such other time as the said trustees may designate, and the residue of such subscription shall be paid whenever said trustees may require the same to be paid; and any subscriber who shall fail to pay his subscription as aforesaid after having been notified by said trustees that the same is required to be paid, or after general notice to that effect published for two weeks in some one of the newspapers of the town of Wilmington, may be proceeded against in the name of said corporation by suit at law in the County or Superior Courts of New Hanover county, or by warrant from any Justice of the Peace of said county, according to the jurisdiction of such tribunals respectively.

Sec. 3. *Be it further enacted*, That as soon as the sum of five hundred dollars has been subscribed as aforesaid, it shall be the duty of said Trustees to call a general meeting of the said subscribers, who shall be known and called the "Patrons of Long Creek Academy:" That said patrons shall meet annually at such time and place as they may have at their previous meeting appointed, when they shall elect the trustees aforesaid, make all such by-laws as may be deemed judicious and necessary, and do and perform all such business as may be requisite for the management of the general affairs of said corporation.

Sec. 4. *Be it further enacted*, That the said trustees so to be elected by the patrons aforesaid, shall hold their offices for one year and until their successors shall be elected; shall not at any time exceed nine in number; they shall elect a President from among their number, shall manage the affairs of the Academy; make annual reports, accounts and settlements with the patrons aforesaid; and shall allow said patrons, in tuition of scholars at said Academy, according to their respective subscriptions, the nett profits of said academy which may remain after the payment of all the necessary expenses thereof.

Sec. 5. *Be it further enacted*, That a majority of said

board of trustees shall always constitute a quorum to do and transact any business connected with said Academy; and that in case of a vacancy by death, resignation, removal or otherwise, that the remaining number of said board of trustees shall have power to elect and fill such vacancy.

Sec. 6. *Be it further enacted*, That no house [license] to retail spirituous liquors at the site or within three miles of said academy, shall be granted to any person, and if granted the same shall be void.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCIII.

AN ACT to incorporate the Trustees of Richland Academy, in the county of Onslow.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That William Humphrey, Abner Erwin, Harvey Cox, Uzza Mills, Stephen Humphrey, Bazel M. Barry, Charles Gregory, John A. Avarett, Bryan S. Koonce, David W. Sanders, Philip Koonce, John Shackleford, George J. Ward, Ignatius W. Brock and Zacheus Brown, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Trustees of Richland Academy;" and by that name may sue and be sued, plead and be impleaded, and shall have perpetual suc-

cession, and a common seal; and may acquire by purchase, gift or otherwise, to them and their successors, estate real and personal for the use of said academy, and enjoy all other powers, privileges and immunities incident to bodies corporate of a like nature within this State.

Sec. 2. *Be it further enacted*, That any five of the aforesaid trustees may constitute a quorum for the transaction of business; and, that in case of any vacancy, the remaining trustees of the academy aforesaid, shall have power to fill such vacancy, but it shall not be imperative or necessary to fill such vacancy or vacancies, by making other appointments until the number of trustees of said academy shall be reduced to less than nine.

Sec. 3. *Be it further enacted*, That the trustees of said academy, and their successors, shall have power and authority, from time to time, of electing and removing their officers, and may from time to time make such by-laws and regulations for their own government and that of the said academy and the preservation of order and good morals therein, or do any other business connected with the well being of said academy, or furtherance of its objects, as to them may appear expedient, *provided* the same are not inconsistent with the constitution of the United States and the laws of this State.

[Ratified 28th January, 1851.]

CHAPTER CCIV.

AN ACT to incorporate Robeson Institute, in the county of Robeson.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That A. Davis Jr., Hector McNeill, John McKinnon, Neill Crawford, D. Campbell, John McNair, A. D. McNair and Neill McNeill, and their successors in office, be, and the same are hereby constituted a body politic and corporate, to be known and distinguished by the name and style of "the Trustees of Robeson Institute," and by that name shall have succession and a common seal, and shall be able and capable in law of holding lands, tenements and chattels, sufficient for the purposes and design of the Institute, and of suing and being sued, and of pleading and being impleaded, with full power to make all needful rules and by-laws for the government of the said institute, not inconsistent with the constitution of this State and of the United States; and they are hereby vested with all other powers and rights necessary or usually appertaining to municipal corporations.

[Ratified 15th January, 1851.]

CHAPTER CCV.

AN ACT to incorporate the Hamilton Female Academy, in the county of Martin.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Bryant B. Bennett, Joseph Waldo, William

G. Gordon, Theophilus C. Hyman and P. P. Clements and their successors in office be, and they are hereby constituted and appointed a body politic and corporate by the name and style of "The Trustees of the Hamilton Female Institute," and by that name may sue and be sued, plead and be impleaded, shall have perpetual succession and a common seal, and shall have, exercise and enjoy all such rights, powers and privileges as are usually exercised and enjoyed by the trustees of other incorporated academies within this State.

Sec. 2. *Be it further enacted*, That any three of said trustees may constitute a quorum for the transaction of business, and that on the death or resignation of any of the trustees, the remaining trustees shall have power to fill such vacancies thereby occasioned.

[Ratified 28th January, 1851.]

CHAPTER CCVI.

AN ACT to incorporate the Trustees of the Clinton Female Institute.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John L. Boykin, Henry A. Bizzel, John R. Beaman and Matthew J. Faison, be, and they are hereby appointed commissioners to open books in the town of Clinton, in the county of Sampson, for the purpose of receiving subscriptions to the stock of the Clinton Female Institute, and the said books shall be kept open until the subscriptions to be made shall amount to the sum of five thousand dollars, or until the commissioners above named shall otherwise or-

der, and the capital stock aforesaid shall be divided into shares of not less than ten dollars nor more than fifty dollars each, as the aforesaid commissioners shall determine, and shall be applied by the trustees in the erection of suitable buildings and the purchase of suitable grounds and all other things necessary and convenient for a school for females, at or near the town of Clinton, in the county of Sampson.

Sec. 2. *Be it further enacted*, That when it shall appear to the satisfaction of the commissioners above named that the sum of five thousand dollars has been subscribed by solvent individuals, it shall and may be lawful for said commissioners, if they shall deem it advisable, to call a general meeting of the stockholders, at such time and place as they shall deem proper; and at such meeting, if it shall appear that a majority of the stock is represented, either in person or by proxy, an election shall forthwith be held for seven trustees of the Clinton Female Institute, and in said election, each share shall be entitled to one vote: And the trustees so elected, and their successors, shall be and constitute a body politic and corporate by the name and style of "The Trustees of the Clinton Female Institute," and by that name shall have perpetual succession, and a common seal; may sue and be sued, plead and be impleaded; may acquire, hold and transfer property, real and personal, for the use of said institute; and establish such laws and regulations for its government as they may deem proper, *provided* the same are not inconsistent with the constitution and laws of this State or of the United States; and enjoy all other privileges and immunities incident to bodies corporate of a like nature.

Sec. 3. *Be it further enacted*, That the trustees elected in pursuance of the preceding section shall hold their office for and during the term of one year and until their successors shall be elected: That for the purpose of electing trustees a general meeting of the stockholders shall be held annually, one year after the last preceding general meeting, and that in order to constitute a quorum to do business, a ma-

jority of the stock subscribed shall be represented at every such annual meeting, either in person or by proxy.

Sec. 4. *Be it further enacted*, That a meeting of the stockholders may be called for the transaction of business connected with the company aforesaid, whenever a majority of the trustees shall so order, and that the capital stock of said company may be increased to a sum not exceeding twenty thousand dollars, whenever a majority of the stockholders, at either a called or general meeting may so determine, and may cause books to be opened, and to do all things necessary to carry out the provisions of this section.

[Ratified 27th January, 1851.]

CHAPTER CCVII.

AN ACT to incorporate the Trustees of the Graham Institute, a seminary of learning, to be established in or near the town of Graham, in the county of Alamance.

Section 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That E. F. Watson, John Trollenger, Chesley F. Faucette, Pleasant A. Holt, Alfred Apple, Joseph B. Hinton, T. Bolling, Henry B. Hayes, Thos. J. Kilby, William B. Wellons, H. L. Eppes and Edward H. Herbert, be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of "The Trustees of the Graham Institute," and by that name and style shall have perpetual succession and a common seal; and that they, the said trustees, and their successors, by the

name aforesaid, or a majority of them, shall be able and capable, in law, to take, demand, receive and possess all moneys, goods and chattels, and choses in action, that shall be given them for the use of said institute, and the same apply according to the will of the donors; and by gift, purchase and devise, take, have, hold, possess, enjoy and retain to them and their successors, forever, any lands, rents, tenements and hereditaments, of what kind, nature or quality soever, in special trust and confidence that the same and the profits thereof, shall be applied to and for the use and purpose of endowing the said institute.

Sec. 2. *Be it further enacted*, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain and sell, grant, demise, alien, convey and assure to the purchaser or purchasers, any such lands, rents, tenements and hereditaments aforesaid, when the condition of the grant to them or the will of the testator or devisor does not forbid it; and further, that they, the said trustees and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and be sued, plead and be impleaded in all courts whatever, either in law or equity, of record or otherwise, and, in general, they shall and may do all such other acts and things as are usually done by bodies corporate, for the purpose of effecting the objects of this act.

Sec. 3. *Be it further enacted*, That on the death, resignation, refusal to act, or removal to any other State of any of the said trustees, for the time being, the remaining trustees, or a majority of them, are hereby authorized and required to elect and appoint other trustees in the place of every such one as shall die, resign, refuse to act or so remove; which trustee or trustees so appointed shall be vested with the same power, trust and authority as those, in whose stead they shall be so appointed, would have had in case they had lived and continued to act.

Sec. 4. *Be it further enacted*, That the said trustees or

their successors, or a majority of them, may, from time to time appoint their own president, secretary and treasurer, and such professors and tutors over said institute, as to them may appear necessary and proper, whom they may remove for misbehavior, inability, or neglect of duty. And they may make all such by-laws and regulations for their own government and that of said institute, and for the preservation of order and good morals therein, as are usually made in such seminaries, and as to them may appear necessary and expedient: *Provided*, the same are not inconsistent with the constitution and laws of this State.

Sec. 5. *Be it further enacted*, That the said trustees, or a majority of them, or their successors in office, may, from time to time, locate the said institnte either within the limits of the said town of Graham, or at such other place within three miles thereof, as may to them seem meet and expedient.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after the ratification thereof.

[Ratified 27th January, 1851.]

CHAPTER CCVIII.

AN ACT to incorporate the Trustees of the Female Academy in the town of Franklinton.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That W. W. Greene, Joseph Kearney, W. F. Hilliard, L. A. Jeffreys, R. C. Maynard, A. D. Ellis, J. S. Thomas, A. C. Perry, and H. T. Clawson, be, and they are

herby constituted a body politic and corporate, to be known and distinguished by the name and style of "The Trustees of the Female Academy in the town of Franklinton," in the county of Franklin, and by that name and style may sue and be sued, plead and be impleaded; shall have succession, and a common seal, with power to alter and renew the same at pleasure; may acquire, by purchase, gift or otherwise, to them and their successors, estate, real and personal, for the use of said Academy; and shall have power to make all such by-laws, rules and regulations as are necessary for the good government of the same, as are not inconsistent with the constitution and laws of this State or of the United States.

Sec. 2. *Be it further enacted*, That in case of vacancy by death, resignation, removal or otherwise, the remaining trustees, or a majority of them, may appoint successors, who shall have the same powers and authorities as are conferred on the Trustees created by this act.

Sec. 3. *Be it further enacted*, That the act passed at the session of the General Assembly of 1846--7, chapter 112, entitled "An Act to incorporate Franklinton Female Academy, in the county of Franklin," be, and the same is hereby repealed, and that this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCIX.

AN ACT to amend an act, passed at the last session of the General Assembly, entitled "An Act to incorporate Antioch Academy, in the county of Robeson."

Sec 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the third section of an act, passed at the last session of the General Assembly, entitled "an act to incorporate Antioch Academy, in the county of Robeson," be so amended as to empower the trustees of said academy, whenever they deem a sufficient amount of stock to have been subscribed, to call together the subscribers for the purpose of organization.

Sec. 2. *Be it further enacted*, That all laws and clauses of laws which come in conflict with the provisions of this act, be, and the same are hereby repealed.

[Ratified 28th January, 1851.]

BUILDING COMPANY.

CHAPTER CCX.

AN ACT to incorporate the Murfreesboro' Joint Stock Building Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Robert Worthington, William B. Wise, Uriah

Vaughan, Lewis Spiers, Jacob Parker, Goodwin C. Moore, John G. Wilson, A. W. Darden, George W. Peete, E. D. Britt, Britton Moore, Walter Myriek, and such other persons as may hereafter be associated with them, for the purpose of erecting a building for the accommodation of the Chowan Female Collegiate Institute, shall be, and are hereby incorporated and made a body politic, by the name of "the Murfreesboro' Joint Stock Building Company," and by that name, they and their successors shall be persons in law, capable of suing and being sued, pleading and being impleaded in all courts and pleas whatsoever; and they and their successors shall have a common seal, and make, change or alter at their pleasure; and also that they and their successors, by the same name and style, shall be, in law, capable of purchasing, leasing, holding and conveying any estate real or personal.

Sec. 2. *Be it further enacted*, That the capital stock of said company, shall not be less than five thousand dollars, nor more than fifty thousand dollars, and shall be divided into shares of twenty five dollars each.

Sec. 3. *Be it further enacted*, That for managing the affairs of said company, there shall be chosen annually a board of directors, consisting of not less than five; and the said board shall elect from their number a president and secretary; and a majority of said board of directors present at any meeting shall have power to transact business.

Sec. 4. *Be it further enacted*, That each share shall be entitled to one vote, and the holder or holders of said shares shall vote either in person or by proxy.

Sec. 5. *Be it further enacted*, That the "Joint Stock Building Company" shall pass no rule or regulation affecting the operations or control of the school committee to the care of a board of trustees for the Chowan Female Collegiate Institute, or incompatible with the provisions of a charter incorporating said board of trustees, but said school shall have the entire and unrestricted use of the building or buildings be-

longing to said "Joint Stock Company," so long as said board of trustees for the Institute shall pay or cause to be paid to said company, the legal interest of the State on an amount equal to the sum vested in real estate and improvements for the use of said board of trustees, three years of interest being given to the board of trustees; and that said board shall have the privilege of purchasing the stock of the "Joint Stock Building Company" at any time, at the original value of said stock.

Sec. 6. *Be it further enacted*, That the president or any three of the directors shall have power to call a meeting of the stockholders to supply vacancies in their body; to appoint such officers as the stockholders in general meeting shall authorize; to take bonds, with sufficient security, for the good conduct, fidelity and attention of such officers; and to do all other acts and things touching the affairs of the company, not otherwise specially provided for. Dividends of the nett profits of said company shall be determined by the stockholders in general meeting.

Sec. 7. *Be it further enacted*, That if any subscriber or subscribers shall fail to pay the amount subscribed by him, her or them, at the time or times prescribed by the president and directors for the payment thereof, the share or shares held by him, her or them, together with all previous payments made thereon, may be forfeited, at the pleasure of the directors: *Provided*, that no forfeiture shall take place without such public notice as may be prescribed in the by-laws.

Sec. 8. *Be it further enacted*, That stock of the company shall be deemed personal estate, and pass as such to the representatives of each stockholder, and may be transferred, and certificates thereof issued in such manner and form as the president and directors, or the stockholders in general meeting, shall from time to time direct: *Provided*, that nothing herein contained shall be so construed as to prevent

said company from selling and conveying such real estate and improvements as they may hold or hereafter acquire, or which may be hereafter incorporated into and declared personal estate, and when it is sold and conveyed, from being real estate.

Sec. 9. *Be it further enacted*, That the president and directors shall have power to make such by-laws and regulations, as are not contrary to the laws of the United States or of this State, as they may deem expedient and proper for the good government of said company.

[Ratified 28th January, 1851.]

COLLEGES.

CHAPTER CCXI.

AN ACT to incorporate Oxford Baptist Female College, in Granville county.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That I. J. James, Rhodes N. Herndon, Thomas Settle, Sr., Calvin Graves, Samuel Wait, Wm. Hooper, Samuel S. Biddle, R. J. Devin, John R. Herndon, Nathaniel J. Palmer, John Kerr, Robert C. Lassiter, Hamilton Hester, James D. Newsom, Jas. McDaniel, John B. White, T. T. Grundy, George W. Thompson, David S. Williams, James S. Purify, Joseph H. Gooch, Wm. Jones, Wm. H. Jordan, J.

B. Hopgood, Augustus Landis, James C. Cooper, Nath'l. E. Cannady, Alfred Dockery, S. H. Cannady, A. M. Lewis, shall be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name and style of the trustees of the Oxford Female College, and by that name shall have succession and so continue for the term of fifty years and a common seal; and that the said trustees and their successors, by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all moneys, goods and chattles and choses in action that shall be given them for the use of said college; and by gift, purchase and demise to take, have, hold, possess, enjoy and retain to them and their successors forever, any lands, rents, tenements and hereditaments of what kind, nature or quality soever, in special trust and confidence, that the same and the profits thereof shall be applied to and for the use and benefit of said college; and that said trustees shall have such other powers, and enjoy such other rights as are usually incident to corporate bodies.

Sec. 2. *Be it further enacted,* That the said trustees, or their successors, or a majority of them, by the name aforesaid, shall be able and capable in law to bargain and sell, grant, demise, alien, convey and assure to the purchaser or purchasers, any such lands, rents, tenements and hereditaments aforesaid; and further, that the said trustees, or a majority of them, and their successors for the term aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded in all courts whatsoever, either in law or in equity, of record or otherwise.

Sec 3. *Be it further enacted,* That there shall not be less than twenty, nor more than forty trustees in number at any one time for the said college; and that on the death, resignation or refusal to act of any of the trustees for the time being, or the removal of any one from office by the concurrence of two thirds present for the neglect of duty, or other

cause, the vacancy or vacancies so happening shall be filled by the appointment of others, which appointment shall be made by a majority of the aforesaid trustees.

Sec. 4. *Be it further enacted*, That the said trustees and their successors, or a majority of them, shall have the power of appointing a president and such professors and tutors as to them shall appear necessary and proper for said college, whom they may remove for misbehaviour, inability or neglect of duty; and may from time to time make such by-laws and regulations, for their own government and that of the college, and the preservation of order and good morals therein, as to them may appear expedient, provided the same are not inconsistent with the constitution and laws of this State; and provided further, if a majority of said trustees shall not convene for the purposes aforesaid, it shall and may be lawful for some of said trustees and their successors to form a quorum to do business, and may from time to time make necessary by-laws and regulations.

Sec. 5. *Be it further enacted*, That any real estate over and above three hundred acres, which may be needed for the erection of convenient buildings on the same for the objects of this institution, shall be subject to taxation as now or hereafter may be directed by law.

Sec. 6. *Be it further enacted*, That the faculty of the Oxford Female College, that is to say, the president, professors and teachers, by and with the consent of the trustees, shall have the power of conferring all such degrees or marks of literary distinction as are usually conferred in colleges and seminaries of learning.

Sec. 7. *Be it further enacted*, That the whole amount of real and personal estate belonging to said college shall not, at any one time, exceed in value two hundred thousand dollars.

Sec. 8. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 28th January, 1851.]

GAS LIGHT.

CHAPTER CCXII.

AN ACT to incorporate "The Wilmington Gas Light Company."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the the same,* That it shall be lawful to open books in the town of Wilmington, under the direction of Platt K. Dickinson, John A. Taylor, Armand J. DeRossett, Jr., Nicholas N. Nixon, Thomas H. Wright, Miles Costin, Edward Kidder and Peter M. Walker, or any three or more of them, and at such other places, either in this State or elsewhere, which may be designated by any three or more of the aforesaid commissioners at Wilmington, for the purpose of receiving subscriptions to an amount not exceeding one hundred and fifty thousand dollars, in shares of fifty dollars each, to constitute a joint capital stock, for the purpose of manufacturing and selling gas for lighting the town of Wilmington and its vicinity: the time and place of receiving such subscriptions shall be published in one or more of the newspapers of the town of Wilmington; and the books, when opened, may be kept open so long as the commissioners aforesaid, or a majority of them, may determine, but the same shall not be closed within twenty days after they have been so opened; and so soon as the commissioners aforesaid, or a majority of them, shall ascertain that the sum of twenty thousand dollars has been subscribed, it shall be their duty to call a meeting of the subscribers, at such time and place as they may designate by adver-

tisement in one or more of the newspapers published in Wilmington, at least twenty days before the time appointed for holding such meeting; and the power to re-open said books, after such meeting of the first subscribers, shall be vested in the stockholders of said company, or the president and directors, whom they shall appoint as is hereinafter provided.

Sec. 2. *Be it further enacted*, That when twenty thousand dollars shall have been subscribed for, in the manner aforesaid, such subscribers, their executors, administrators or assigns, shall be, and they are hereby declared to be incorporated into a body politic, by the name and style of "The Wilmington Gas Light Company," and in that name, may sue and be sued, plead and be impleaded; shall have perpetual succession; and shall possess and enjoy all the rights, privileges and immunities of a corporation or body politic in law; and may make all such rules, by-laws and regulations, not inconsistent with the constitution and laws of the United States and this State, as shall be deemed necessary or judicious for the well ordering and conducting the affairs of said company.

Sec. 3. *Be it further enacted*, That upon any subscription for stock in said company, there shall be paid five dollars on each share at the time of subscribing, which payment shall be made to the commissioners receiving said subscriptions, and the residue thereof shall be paid in such instalments and at such times as the president and directors of said company may require; and the moneys received by the commissioners shall be paid over to the treasurer of said company so soon as one shall have been appointed; and upon their failure to do so, after demand on behalf of said company, the same may be recovered from such defaulting commissioner or commissioners, in the name of the company, before any court having jurisdiction.

Sec. 4. *Be it further enacted*, That at the general meeting of the proprietors of the stock, called by the commissioners, as before directed, and at every annual meeting thereaf-

ter, the stockholders shall elect, from among themselves, seven directors, who shall continue in office, unless sooner removed, until the next annual meeting of the stockholders, and until their successors shall be elected; and the said directors, so chosen, shall elect one of their body president of said company, who shall receive such compensation for his services as may be fixed by the stockholders in general meeting assembled: The president, with three or more of the directors, shall constitute a board for the transaction of any business; and if the office of president or if the office of director become vacant, the directors may elect one of the stockholders a director and may fill the vacancy in the office of president as before authorized; and if the president shall at any time be absent, the directors may elect some other member of their body to act as president during the absence of the president first chosen.

Sec. 5. Be *it further enacted*, That if any stockholder shall fail to pay any instalment on the stock subscribed for by him, or on any stock standing on the books of said company in his name, within one month after such instalment has been required, and within one month after the same has been advertised in some one of the newspapers published in Wilmington, the treasurer of said company may, by order of the board of directors thereof, sell by public auction, a sufficient number of any shares in said company, held by such defaulter, to pay all such instalments then due by him, together with all necessary incidental charges; and the treasurer shall give notice of the time and place of such sale, and of the sum then due on each share, by advertising the same for two successive weeks in some newspaper published in Wilmington; and the shares so sold shall be transferred by the treasurer to the purchaser on the books of said company; and such purchaser shall be liable for all future instalments on the stock so purchased by him.

Sec. 6. *Be it further enacted*, That said corporation

shall have full power and authority to manufacture, make and sell gas made of rosin, coal, oil, turpentine, or any other material or substance whatsoever, in such quantities as may be required within the town of Wilmington and its vicinity, for lighting the streets, stores, and all other places and buildings there situate, and for any other purposes; to purchase and hold such lots or parcels of land in the town of Wilmington, or in its vicinity, as may be necessary or convenient for the erection of all such suitable buildings or improvements as may be required in the manufacture of gas, or in the retention or distribution thereof; to erect on such lots or parcels of land all such buildings, or make thereon all such improvements as may be necessary or convenient for the purposes aforesaid; to lay pipes or other conductors for conveying gas through, upon, over or under any or all of the streets, alleys or public lots or squares of the town of Wilmington, provided such streets, alleys, public lots or squares shall be left in as good condition as they were in at the time of laying such pipes or other conductors; also to hold such personal property of any nature or kind whatsoever, which may be necessary for the convenience of said company, in carrying on the business aforesaid; and also, from time to time, to repair, reconstruct, maintain and preserve all such works, fixtures, machines, or other property held by them, as may be necessary for conducting the business of said company.

Sec. 7. Be *it further enacted*, That there shall be annual meetings of the stockholders of said company, at such times and places as the preceding general meeting shall have appointed; and the stockholders may be represented at such general meetings, or at any called general meetings, by proxy, under such rules as the by-laws may prescribe: *Provided*, that any proxy made to the president or any director or agent or officer of the company shall be void. At all such general meetings every stockholder shall be entitled to one vote for every share of stock held or represented by him, and

no person shall be authorized to act under a proxy, from a stockholder, unless he be a stockholder himself.

Sec. 8. *Be it further enacted*, That the president and directors of said company shall have power to make contracts with any person or persons, on behalf of the company for doing or performing any work or for any matter or thing whatsoever, connected with the business or the general affairs of said company; they may appoint a treasurer, secretary and other officers, and take from them bonds and security for the faithful performance of their respective duties, which bonds shall be payable to the company, but the salaries or other compensation of the officers may be regulated by the stockholders in general meeting assembled.

Sec. 9. *Be it further enacted*, That if any person or persons shall negligently or wilfully, by any means whatsoever, injure, impair or destroy any conduit, pipe, cock, machine, building or structure whatsoever, or anything appertaining to the works of said company, the person or persons so offending shall forfeit and pay to said company double the amount of the damages sustained by such injury; and the same may be recovered, in the name of said company, with costs of suit, in any court of record in the county of New Hanover; and shall moreover be subject to indictment in either of said courts as for a misdemeanor, and, upon conviction, shall be fined or imprisoned according to the nature of the offence at the discretion of the court.

Sec. 10. *Be it further enacted*, That this act shall be in operation from and after the ratification of the same.

[Ratified 27th January, 1851.]

INSURANCE.

CHAPTER CCXIII.

AN ACT to incorporate the Western Mutual Insurance Company of North-Carolina.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That William Murphy, John B. Lord, A. H. Caldwell, John I. Shaver, Benjamin F. Fraley, H. L. Robards, John D. Brown, D. A. Davis, Jos. F. Chambers, B. B. Roberts and J. H. Jenkins, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation, by the name of "The Western Mutual Insurance Company of North Carolina," for the purpose of insuring their respective dwelling-houses, stores, shops, and other buildings, household furniture, merchandize, and other poperty against loss or damage by fire, and also of insuring their respective lives, and to make all and every insurance appertaining to, or connected with, life risks of whatsoever kind or nature, as well of the sound in health as the infirm or invalid.

Sec. 2. *Be it further enacted*, That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and assigns, continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof during the period they shall remain insured by said corporation, and no longer.

Sec. 3. *Be it further enacted*, That the affairs of said company shall be managed by a board of directors consisting of eleven members as hereinafter provided for; all vacancies happening in said board may be filled by the remaining directors for the remain-

der of the year, or time for which they were elected, and a majority of the whole shall constitute a quorum for the dispatch of business.

Sec. 4. *Be it further enacted*, That the above mentioned directors, in section first, shall be the first directors of said corporation, and shall continue in office for one year after the passage of this act, and until others are chosen in their places; which board of directors shall hereafter be elected in each year, at such time and place, in the town of Salisbury, as the corporation in their by-laws shall appoint; of which election public notice shall be given in some public newspaper printed in said town, at least thirty days preceding such election; such election shall be holden under the inspection of three members not being directors, to be appointed previous to every election by the board of directors; and such election shall be made by ballot, and by a plurality of the votes of the members or their proxies then present, allowing to each member one vote for every $100 insured in said company.

Sec. 5. *Be it further enacted*, That the directors may determine the rates of insurance, the amonnt to be insured, and the sum to be deposited for any insuranee.

See. 6. *Be it further enacted*, That every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposite his promissory note for such a sum of money as shall be determined by the directors; a part not exceeding five per cent. of said note shall be immediately paid, and the remainder of said deposite note shall be payable, in part or in whole, at any time when the directors shall deem the same requisite for the payment of losses, and such incidental expenses as may be necessary for transacting the business of said company; and at the expiration of the time of insurance, the said note, or such part thereof as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof, or if he be dead, to his personal representative.

See. 7. *Be it further enacted*, That when any property insured with this corporation shall be alienated by sale or otherwise, the policy shall thereupon be void, and be surrendered to the directors of said company to be cancelled; and upon such

surrender, the assured shall be entitled to receive his deposite note, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors, and, with their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said directors for such portion of the deposite or premium note as may remain unpaid; and by such ratification and confirmation the party causing such security to be given, shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy issued was entitled and subject to under this act.

Sec. 8. *Be it further enacted*, That every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid, accruing in and to said company, in proportion to the amount of his deposite note; and all buildings insured by this company, together with the rights, title and interest of the assured, to the lands on which they stand, shall be, and are hereby pledged to said company; and said company shall have a lien thereon in the nature of a mortgage to the amount of his deposite note, which shall continue during his policy; the lien to take effect whenever the said company shall file with and have entered in the book of mortgages kept by the register of the county where the property is situate, a memorandum of the name of the individual insured, a description of the property, the amount of the deposite note, and the term for which said policy shall continue.

Sec. 9. *Be it further enacted*, That suit at law may be maintained by said corporation against any of its members for the collection of said deposite notes, or any assessment thereon, or for any other cause, relating to the business of said corporation; also suits at law may be prosecuted and maintained by any member against said corporation for losses, if payment is withheld more than three months after the company are duly notified of such losses; and no member of the corporation, not being in his individual capacity a party to such a suit, shall be incompetent as a witness in any such cause on account of his being a member of said company.

Sec. 10. Be *it further enacted*, That the directors shall, after receiving notice of any loss or damage sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company, for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss or damage, and published the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposite note or notes, and shall be paid to the Treasurer within thirty days next after the publication of said notice; and if any member shall neglect or refuse for the space of thirty days after the publication of said notice to pay the sum assessed upon him as his proportion of the loss aforesaid, in such case, the directors may sue for and recover the whole amount of his deposite note or notes, with costs of suit; and the amount thus collected, shall remain in the Treasury of said company, subject to the payment of such losses and expenses as have or may hereafter accrue; and the balance, if any remain, shall be returned to the party from whom it was collected, on demand in three months from the expiration of the term for which insurance was made.

Sec. 11. Be *it further enacted*, That if the whole amount of deposite notes should be insufficient to pay the loss occasioned by any fires or deaths, in such case, the sufferers insured by said company, or their representatives, shall receive toward making good their respective losses, a proportionable dividend of the whole amount of said notes, according to the sums by them respectively insured, and, in addition thereto, a sum to be assessed on all the members of said company, on the same principle as regulated the amounts of their respective deposite notes, but not exceeding one dollar on every $100 by them respectively insured; and no member shall ever be required to pay for any loss occasioned at any one time, more than one dollar on every $100 insured in said company, in addition to the amount of his deposite note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member, upon payment of the whole of his deposite note, and surrendering his policy before any subsequent loss or expense has occurred, may be discharged from said company.

Sec. 12. Be *it further enacted*, That it shall be lawful for any married woman, by herself and in her own name, or in the name of any third person, with his assent as her trustee, to be caused to be insured for her sole use, the life of her husband, for any definite period, or for the term of his natural life; and in case of her surviving her husband, she shall have and enjoy the nett amount of the proceeds of the insurance, becoming due and payable to her, to and for her own use, free from the claims of the representatives of her husband or any of his creditors.

Sec. 13. *Be it further enacted*, That the husband may insure his own life, for the sole use and benefit of his wife or children, and, in case of the death of the husband, the amount thus insured shall be paid over to the wife or children, or their guardian, if under age, for her or their own use, free from all the claims of the representatives of the husband, or any of his creditors.

Sec. 14. *Be it further enacted*, That it shall be lawful for the said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation, to be secured by mortgage on unencumbered real estate of double the value of the sum so loaned, or by bond with two or more sureties, to be approved by the board of directors, or a committee appointed by them for that purpose.

Sec. 15. *Be it further enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper for the management and disposition of the stock, property, estate and effects of said corporation, and for all such matters as appertain to the business thereof; and shall have power to appoint such officers, clerks and agents, for carrying on the business of the corporation as they may select, with such allowances as to them shall appear just and satisfactory; *Provided*, that such by-laws, rules and regulations, shall not be repugnant to the constitution and laws of the United States, or of this State.

Sec. 16. *Be it further enacted*, That no policy shall be issued by said company, until application shall be made for insurance to the amount of at least forty thousand dollars.

Sec. 17. *Be it further enacted*, That the operations and busi-

ness of the corporation shall be carried on and conducted at such place, in the town of Salisbury, as shall be designated by a majority of the company present, at any regular meeting.

Sec. 18. *Be it further enacted*, That this act shall continue in force fifty years.

Sec. 19. *Be it further enacted*, That this act shall take effect immediately after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXIV.

AN ACT to incorporate a Mutual Insurance Company in the town of Greensborough, North Carolina.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That James Sloan, C. P. Mendenhall, Jed. H. Lindsey, Wm. S. Rankin, Peter Adams, John A. Mebane, W. J. McConell, Lindon Swaim and Andrew Weatherly, of Greensboro; and Shuba Coffin, Jessee Shelley, Wm. Reece and Jonathan Field, of Jamestown, Guilford county, and all other persons who may hereafter associate with them in the manner herein prescribed, shall be a corporation, by the name of the Greensboro' Mutual Insurance Company, for the purpose of insuring their respective dwellings, houses, stores, shops and other buildings, household furniture, merchandise and other property against loss or damage by fire.

Sec. 2. *Be it further enacted*, That all persons who shall hereafter insure with the said corporation, and also their heirs, executors, administrators and their assignees, continuing to be insured in said corporation as hereinafter provided, shall thereby become members thereof during the

period they shall remain insured by said corporation, and no longer.

Sec. 3. *Be it further enacted*, That the affairs of said company shall be managed by a board of directors, consisting of thirteen members, as hereinafter provided: all vacancies happening in said board may be filled by the remaining directors for the remainder of the year or time for which they were elected; and a majority of the whole shall constitute a quorum for the transaction of business.

Sec. 4. *Be it further enacted*, That the above mentioned directors in section first, shall be the first directors of said corporation, and shall continue in office for one year after the passage of this act and until others are chosen in their places, which board of directors shall hereafter be elected in each year, at such time and place, in the town of Greensboro', as the corporation, in their by-laws, shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in this State, at least thirty days immediately preceding such election; such election shall be holden under the inspection of three members not being directors to be appointed previous to every election by the board of directors; and such election shall be made by ballot and by a plurality of the votes of the members or their proxies then present, allowing to each member one vote for every one hundred dollars insured in said company.

Sec. 5. *Be it further enacted*, That the directors may determine the rates of insurance, the amount to be insured, and the sum to be deposited for any insurance.

Sec. 6. *Be it further enacted*, That every person who shall become a member of said corporation by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, a part not exceeding ten per cent. of said notes shall be payable in part or the whole at any time when the directors shall deem the same requisite, for the payment of losses by fire and such incidental expenses

as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note or such part of the same as shall remain unpaid after deducting all losses and expenses accruing during said term, shall be relinquished and given to the maker thereof.

Sec. 7. *Be it further enacted*, That when any property insured with this corporation shall be alienated by sale or otherwise, the policy shall thereupon be void and be surrendered to the directors of said company, to be cancelled; and upon such surrender, the assured shall be entitled to receive his deposit notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender, but the grantee or alienee having the policy assigned to him may have the same ratified and confirmed to him for his own proper use and benefit, upon application to the directors and with their consent, within thirty days next after such alienation, on giving proper security to the satisfaction of said directors for such portion of the deposit or premium note as shall remain unpaid, and by such ratification and confirmation, the party causing such security to be given shall be entitled to all the rights and privileges, and be subject to all the liabilities to which the original party to whom the policy issued was entitled and subject under this act.

Sec. 8. *Be it further enacted*, That every member of said company shall be bound to pay for such losses and such necessary expenses aforesaid accruing in and to said company, in proportion to the amount of his deposite note; and all buildings insured by this company, together with the right, title and interest of the assured to the lands on which they stand, shall be, and are hereby pledged to said company; * shall file with and have entered in the book of mortgages kept by the clerk of the county where the property is situate, a memorandum of the name of the individual in-

* There appears to be an omission here, but it is printed according to copy.

sured, a description of the property, the amount of the deposit note, and the term for which said policy shall continue.

Sec. 9. *Be it further enacted*, That suits at law may be maintained by said corporation against any of its members for the collection of said deposit notes or any assessment thereon, or for any other cause relating to the business of said corporation; also suits at law may be prosecuted and maintained by any members against said corporation for losses or damages by fire, if payment is withheld more than three months after the company are duly notified of such losses; and no member of the corporation not being in his individual capacity a party of such a suit shall be incompetent as a witness in any such cause on account of his being a member of said company; and that this provision shall extend to the North Carolina Mutual Life Insurance Company as incorporated at the last Session of the General Assembly.

Sec. 10. *Be it further enacted*, That the directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment as aforesaid against said company for loss or damage, settled [settle] and determined [determine] the sums to be paid by the several members thereof as their respective proportion of such loss, and publish the same in such manner as they shall see fit or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any member shall for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him as his proportion of the loss aforesaid, in such case, the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of said company

subjected to the payment of such losses and expenses as have or may thereafter accrue, and the balance, if any remain, shall be returned to the party from which it was collected or demanded, in thirty days from the expiration of the term for which insurance was made.

Sec. 11. *Be it further enacted*, That if the whole amount of deposit notes should be insufficient to pay the loss occasioned by any fire or fires, in such case the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said notes according to the sums by them respectively insured, in addition thereto a sum to be assessed on all the members of said company on the same principle as regulated the amounts of their respective deposit notes, but not exceeding one dollar on every hundred dollars by them respectively insured; and no member shall be required to pay for any loss occasioned by fire at any one time more than one dollar on every hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member, upon payment of the whole of his deposit note and surrendering his policy before any subsequent loss or expense has occured, may be discharged from said company.

Sec. 12. Be *it further enacted*, That no policy shall be issued by said company until application shall be made for insurance for fifty thousand dollars at least.

Sec. 13. *Be it further enacted*, That the operation and business of the corporation shall be carried on and conducted at such place, in the town of Greensboro', as shall be designated by a majority of the company present at any regular meeting.

Sec. 14. Be *it further enacted*, That the affairs of the said company shall be managed by a board of directors consisting of twenty members, and that five directors being present at any meeting of said board, the said members shall

constitute a quorum for the transaction of business.

Sec. 15. *Be it further enacted,* That the thirteen directors chosen by the said company, at their meeting on the first Tuesday in May, shall appoint from the members of said company seven other directors, who shall be the board of directors elected; that all vacancies happening in said board may be filled by the remaining directors for the remainder of the year or time for which they were elected; and that the board of directors to the number herein required, shall thereafter be chosen as is provided in the said act.

Sec. 16. *Be it further enacted,* That hereafter a part, not exceeding ten per cent. of the promissory note required to be deposited by every person, on his becoming a member and before he receives his policy, shall be immediately paid instead of the five per cent. as heretofore required.

Sec. 17. *Be it further enacted,* That in all cases when a permanent lien cannot or is not intended to be created, the directors or executive committee may require an indemnity instead thereof, by an approved surety or sureties on the premium note. The directors or executive committee may at any time, when a majority of their whole number shall concur therein, require further security on the premium note; and in case the assured shall neglect or refuse to comply with the request of the directors in this respect for two calendar months after he, she or they shall be apprised thereof, by a notice in writing from the secretary for that purpose served upon said assured, his, her or their policy shall become null and void, and the amount theretofore paid upon said premium note shall be forfeited to said company, and the said premium note continue in force so as to enable the said corporation to collect upon it any losses or expenses that occured previous to the termination of said policy.

Sec. 18. *Be it further enacted,* That the lien in the nature of a mortgage, to the amount of his deposit note on the buildings insured, and the right, title and interest of the as-

sured to the lands on which they stood, shall continue and be a subsisting lien or mortgage so as to enable the said company to recover thereby such losses and such expenses as accrued in and to said company in proportion to the amount of his deposit note, provided the same accrued previous to the termination of said policy.

Sec. 19. *Be it further enacted*, That the memorandum to be filed with the register in order to effect such lien, shall contain the name of person insured or desirous of being insured, signed by him or her or by his or her agent; and if signed by an agent, such signing to be attested by a witness; a description of the buildings, the situation and location of the land whereon they stand with reference to other persons' lands, and in what village, town, city and county situated, and if situated in a town or city, the number of the land, lot or lots to be insured according to the plan of such town or city, or by what other lots of other persons (naming them) the same is bounded; the amount of the deposit note; and the term for which the policy is to continue.

Sec. 20. *Be it further enacted*, That the clerks of the several Courts of Pleas and Quarter Sessions, by themselves or their deputies, and also any one of the acting Justices of the Peace in their respective counties wherein the land insured or to be insured is situate, shall have power and authority, in their respective counties, to take and certify the acknowledgment or publication of any and all memoranda the object of which is to procure such insurance and to create such lien that shall be presented to them for acknowledgment or probate, upon the acknowledgment of the person whose name is mentioned in the said memorandum as the applicant for insurance, or upon proof on oath, by an attested witness, that he saw it signed or heard it acknowledged by the person named therein as applicant.

Sec. 21. *Be it further enacted*, That whenever the said corporation, by any of its agents, or any person that is desirous to insure property with said corporation, shall pre-

sent to a register of the county wherein such property is situated such a memorandum, certified either by such clerk or such justice of the peace as aforesaid, it shall be the duty of such register to receive the same, endorse on said memorandum the day on which it is presented and delivered to him for registration, and immediately to register the same, with such certificate, and return the same, after registering it, to the party that presented it, upon his request, taking, as his fee for registering, the sum of forty cents; and in case said register do fail to comply with this provision, he shall be liable in like manner as for his failure to comply with the provisions of the 26th section of the 37th chapter of the Revised Statutes.

Sec. 22. *Be it further enacted*, That in all proceedings at law or in Equity, the registry of such memorandum, or the copy thereof, certified by such register, shall be received in evidence in behalf of or against said corporation, in like manner as the original memorandum, except where, upon affidavit, a variance between such original and the registry is asserted to exist, and notice has been previously given to produce the original, in which case the original shall be produced, or its absence accounted for by the said corporation.

Sec. 23. *And be it further enacted*, That this act shall take effect from and after its ratification.

[Ratified 28th January, 1851.]

MANUFACTURING AND MINING.

CHAPTER CCXV.

AN ACT to incorporate the Buck Shoals Manufacturing Company, in the county of Surry.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Alexander R. Lawrence, William B. Grant, A. B. F. Gaither, Moses L. Mikel and James S. Grant, now manufacturing and trading on Hunting Creek, in the county of Surry, under the name and style of the "Buck Shoals Manufacturing Company," their associates, successors and assigns, be, and they are hereby created a corporation and body politic, in law and in fact, by the name and style of the "Buck Shoals Manufacturing Company," for the purpose of manufacturing cotton, wool, iron and all other articles whatsoever, on Hunting Creek, in the county of Surry; and by that name and style, may sue and be sued, plead and be impleaded in any court of record; contract and be contracted with; have perpetual succession and a common seal; and acquire, possess and enjoy and retain real and personal estate, and also goods and merchandise, to enable them to carry on their business with profit and advantage; and shall so continue until the first day of January, one thousand, nine hundred and twenty-five.

Sec. 2. Be *it further enacted*, That said corporation shall have power to make all necessary by-laws and regulations, not inconsistent with the laws and constitution of this

State, for its good government; and to appoint officers and agents to transact their business and conduct their operations.

Sec. 3. *Be it further enacted*, That the capital stock of said company shall be ten thousand dollars, in shares of one hundred dollars each, and the stockholders, or a majority of them in interest, may from time to time and at any time enlarge the capital stock of said company, by selling shares therein at such times and in such manner, to such an amount and at such prices, as they in general meeting may direct, until the capital stock shall amount to fifty thousand dollars; and upon such additional stock being taken, the owners thereof shall to all intents and purposes be members of said company hereby incorporated, and have equal powers and privileges with the original stockholders; but the stockholders shall have power to sell, alien and convey any part of their real estate, which, when sold, aliened and conveyed, shall be considered real estate.

Sec. 4. Be *it further enacted*, That said company shall hold their annual meeting on the second Monday in October, in each and every year, at such place as the stockholders, in their by-laws, may designate; at which time and place the proper officers and agents shall be appointed; and the president may call a meeting of the stockholders whenever in his judgment the business of the concern may require it; and in all meetings of the corporation, the stockholders in person, or by proxy, shall (each) be entitled to one vote for every share of stock owned by him as high as twenty, and above that, one for every five.

Sec. 5. *Be it further enacted*, That it shall be the duty of said corporation to keep a full and fair record of their proceedings in a book or books provided for that purpose, and shall produce the same in any court of record when required by said court.

Sec. 6. *Be it further enacted*, That said corporation

shall have power from time to time, in General meeting, to declare dividends of the nett profits.

Sec. 7. *Be it further enacted*, That the stockholders, in general meeting, shall have power to adopt such rules and regulations, with regard to certificates of stock and the transfer and payment thereof, as they may think necessary.

Sec. 8. *Be it further enacted*, That whenever any of the stockholders in said corporation shall sell or assign over their share of stock respectively held by them and thereby cease to be stockholders, they shall cease to be members of the company as to all future operations and transactions; and the purchasers or assigns of said stock shall be entitled to all the rights, and subject to all the liabilities of the former owners.

Sec. 9. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXVI.

AN ACT to incorporate the Neuse River Manufacturing Company, at the Great Falls of Neuse, in the county of Wake.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That David Gill, John Green, Peterson Dunn, Willie D. Jones, James D. Newsom, John M. Flemming and their successors, associates and assigns be, and they are hereby created a corporation and body politic, in law and in fact, by the name and style of the Neuse River Manufacturing Com-

pany, for the purpose of manufacturing cotton, wool, iron, grain and all other articles whatsoever, at the Great Falls of Neuse river, in the county of Wake; and by that name and style, may sue and be sued, plead and be impleaded in any court of record; contract and be contracted with; have perpetual succession and a common seal; and acquire, possess and enjoy and retain real and personal estate, and also goods and merchandise, to enable them to carry on their business with advantage and profit; and shall so continue until the 1st day of January, one thousand nine hundred.

Sec. 2. *Be it further enacted*, That the said corporation shall have power to make all necessary by laws and regulations, not inconsistent with the laws and constitution of this State, for its good government.

Sec. 3. *Be it further enacted*, That the capital stock of said corporation shall not exceed one hundred thousand dollars, nor less than twenty-five thousand dollars, in shares of one hundred dollars each.

Sec. 4. *Be it further enacted*, That the stock, property, or affairs of said corporation shall be managed by not less than three, nor more than five directors, one of whom shall be president of the company, all of whom shall be stockholders, who shall hold their offices for one year and until their successors are appointed: The sockholders shall hold their annual meetings on the second Monday in February, in each and every year, when the president and directors shall be appointed; in which elections and all other elections and meetings of the company, the stockholders shall be entitled to one vote for every share held by them respectively, and may vote, in person or by proxy, in such manner as may from time to time be prescribed in general meeting. The said directors, or a majority of them, may choose a president, or, in his absence, a president *pro tempore*. They shall have power to call special meetings of the stockholders, to supply vacancies in their body, to appoint such officers and agents as the stockholders in general meeting may authorize. Div-

idends of net profits of said company shall be made at such times as shall be determined by the stockholders in general meetings.

Sec. 5. *Be it further enacted*, That a majority of stock must be represented to form a quorum to transact business.

Sec. 6. *Be it further enacted*, That if any of the subscribers for stock in the said company shall fail to pay the amount of his subscription, at such time and in such instalments as may be called for by the president and directors of the company, it shall be lawful for the company to recover the same by action of debt, in any court of record in the State, or to sell the stock of said delinquent subscriber, at such time, and upon such terms as the president and directors may prescribe; and such delinquent shall receive no dividend, until the full amount of such subscription shall have been paid.

Sec. 7. *Be it further enacted*, That the stockholders of said company, a quorum being present, may order a sale of any part of the land, with appurtenances, which they are hereby authorized to acquire and hold; and said land, when sold, shall be considered real estate.

Sec. 8. *Be it further enacted*, That if there should be no election of directors, at any annual meeting, as heretofore prescribed, those in office shall continue until the next annual meeting or until an earlier election can be held by the stockholders in general meeting.

Sec. 9. *Be it further enacted*, That said company shall at all times have a lien upon all the stock or property of the members of the corporation invested therein, for all debts due from them to the company.

Sec. 10. *Be it further enacted*, That upon the payment of the whole amount of stock subscribed for by any individual, the president, under his signature and seal of corporation, shall issue a certificate or script to the stockholders, for the number of shares so subscribed and paid for.

Sec. 11. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 28th January 1851.]

CHAPTER CCXVII.

AN ACT to incorporate the Weldon Manufacturing Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That Thomas P. Devereux, William R. Smith, Whitmel A. Hill, Richard H. Smith, Colin M. Clark, Michael Ferrell, William H. Day, Nicholas M. Long, William L. Long, Henry Burgwynn, T. Pollock Burgwynn, James Simmons, Benjamin W. Bass, James F. Simmons, John Campbell, and Andrew Joyner, and such other persons as may associate with them, and their successors, be, and they are hereby incorporated into a company, by the name and style of "The Weldon Manufacturing Company," and by such name shall have power and authority to hold, possess and enjoy property, and by deed to dispose of the same, to sue and may be sued, to plead and may be impleaded in any of the courts of this State, either of law or equity.

Sec. 2. Be *it further enacted, by the authority of the same*, That the capital stock of the said company shall not exceed one hundred thousand dollars, and that the same shall be devoted to the purchase or lease of such real estate, not exceeding one hundred and fifty acres of land, as may be needed for the purpose of erecting thereon the necessary buildings and machinery for the profitable manufacturing of

cotton and wool, or either of them, at or near the town of Weldon: And it shall be lawful for the said persons or any five of them, to open books of subscription, at such times and places, and under the direction of such persons as they may think proper, to raise the capital contemplated by this act, or so much thereof as may be deemed necessary, which capital shall be divided into shares of one hundred dollars each.

Sec. 3. *Be it further enacted*, That whenever such an amount shall have been subscribed as in the opinion of the said company shall be sufficient to justify the commencement of operations, it shall be lawful to call a meeting of the stockholders of said company at the town of Weldon; and if a majority of the stock owned in said company shall be represented in such meeting, it shall be lawful to elect a president and six directors for one year, to manage the affairs of the said company, who shall hold their offices until others are appointed in their stead; to require the payment of such subscriptions to the capital stock of the company as shall have been made, at such times and in such instalments as may be required, and to enforce the payment thereof by suit in any of the courts in this State, twenty days' previous notice having been given of the demand of such payment, by public advertisement in some newspaper published in Weldon, or convenient thereto; to elect a treasurer and other officers of said company, and to require of them such bonds for the faithful discharge of their duties as may be deemed reasonable and proper.

Sec. 4. *Be it further enacted*, That it shall be lawful for said company to hold annual meetings at such times as they may deem proper, and oftener if the interests of the company require it; to make annual or semi-annual dividends of the nett profits which may accrue from their business; to adopt rules and regulations with regard to certificates and evidences of stock, and the transfer and assignment of the same; and it shall be their duty, through their president and directors, to keep a full and fair record of their

proceedings in one or more books provided for that purpose, and shall produce such record in any court of justice, when required by such court; and, finally, it shall be lawful for said company, in general meeting assembled, a majority of the stock owned in said company being represented, to make from time to time all such by-laws, rules and regulations as may be found necessary for the good management and proper conducting of their said business, the same being not inconsistent with the constitution and laws of this State.

Sec. 5. *Be it further enacted*, That this act shall be and continue in force for thirty years, and no longer.

[Ratified 28th January, 1851.]

CHAPTER CCXVIII.

AN ACT to incorporate the Buncombe Manufacturing Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That James M. Smith, James W. Patton, James F. E. Hardy, Montroville Patton, Hugh Johnson, Nicholas W. Woodfin, John W Woodfin, their associates, successors and assigns, be, and they are hereby created a body politic and corporate, by the name and style of the "Buncombe Manufacturing Company," for the purpose of manufacturing wool, and, if they deem it expedient, cotton, hemp and flax, silk and iron, or any of them; and by that name and style, may sue and be sued, plead and be impleaded in any court of record, or before any justice of the peace; contract and be

contracted with, have perpetual succession and a common seal; acquire, own, possess and use real and personal estate for the purposes of this corporation.

Sec. 2. *Be it further enacted*, That said company shall have power to make and pass all necessary rules, by-laws and regulations for the management of the business of the corporation not inconsistent with the constitution and laws of this State or of the United States.

Sec. 3. *Be it further enacted*, That the capital stock of said company shall consist of not less than ten thousand dollars, nor more than one hundred thousand dollars, in shares of fifty dollars each; and books for subscription for stock may be opened by any of the persons herein named, or such person or persons as they may appoint from time to time; and this charter shall continue in force for fifty years.

Sec. 4. *Be it further enacted*, That the said company may elect five Directors, a president and such other officers as they may, by their by-laws and regulations, direct; and the scale of voting shall be regulated by the company; and all officers shall remain in office until their places are filled by others; and no omission to elect officers and fill vacancies on the day prescribed, shall work a forfeiture of this charter, but the same may be done on a subsequent day.

[Ratified 28th January, 1851.]

CHAPTER CCXIX.

AN ACT to incorporate the Rock Island Manufacturing Company, in the county of Mecklenburg.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Richard P. Parson, John A. Young and Zenas A. Grier, their associates, successors and assigns, be, and they are hereby created a body politic and corporation in law and in fact, by the name and style of the "Rock Island Manufacturing Company," for the purpose of manufacturing wool, cotton, wood, iron, grain, and all other articles whatsoever, on the Catawba river, in Mecklenburg county; and by that name may sue and be sued, plead and be impleaded in any court of record; contract and be contracted with; have perpetual succession and a common seal; and acquire, own, enjoy and retain real and personal estate; and also goods and merchandise to enable them to carry on their business with profit and advantage; and shall so continue until the first day of January, one thousand nine hundred and twenty five.

Sec. 2. *Be it further enacted*, That said corporation shall have power to make and establish by-laws and regulations necessary and proper for its own government, the same not being inconsistent with the constitution and laws of the State.

Sec. 3. *Be it further enacted*, That the capital stock of said company shall consist of fifteen thousand dollars, in shares of one hundred dollars each, and may, at the discretion of the company, be enlarged to as much as one hundred thousand dollars.

Sec. 4. *Be it further enacted*, That the stockholders of said company, in general meetings, shall have power to adopt rules and regulations with regard to certificates and evidences of stock, and transfers and assignments of the

same; and shall have power to appoint their officers and agents to transact their business and conduct their operations.

Sec. 5. *Be it further enacted*, That it shall be the duty of said company to keep a full and fair record of their proceedings, in a book or books provided for the purpose; and shall produce the said record as evidence in any court of justice when required by said court, or on trial before any justice of the peace for any sum over which said justice may by law have jurisdiction.

Sec. 6. *Be it further enacted*, That no person shall be allowed to sell or retail spirituous liquors within one mile of the site of the factory establishment; and should license be granted to any person to retail spirituous liquors within less than one mile of the factory, they shall be deemed and taken as null and void; and no person shall be allowed to visit, frequent or attend at the factory mills, or on the premises of said corporation, for the purpose of selling spirituous liquors to the operators or any of the hands employed about the premises; and any person or persons who shall violate the provisions of this act, shall, on conviction, for each offence, forfeit and pay the sum of twenty dollars, to be recovered by warrant before any justice of the peace, in the name of the proprietors or of the president and directors, as the case may be, of the Rock Island Manufacturing Company; one half of said money to be applied to the benefit of the moral or literary instruction of the operatives in said factory, under the direction of the proprietors or officers of the same, and the other half to the use of the informant.

Sec. 7. *Be it further enacted*, That the proper officers of said corporation, when expedient, may declare dividends of the net profits thereof.

Sec. 8. *Be it further enacted*, That this act shall be in full force and effect from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXX.

AN ACT to incorporate the Bertie Manufacturing Company, in the county of Bertie.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Lewis Thompson, Humphrey H. Hardy, William Bishop, Stephen Norfleet, A. Capehart, John T. Ruffin, Noah H. Thompson, James Cherry, Senr., Doct. T. Wilson, Atherington Witson, Joseph Etheridge, Augustus Holly, James R. Rayner, William T. Sutton, Cullen Capehart, G. W. Capehart, John Cooper, Joseph Cooper, Thomas Bond, John W. Bond, Jonathan S. Taylor, Jos. Bird, John Ferguson, Henry B. Hardy, Thomas Fanning, Whitmel R. Swain, William Folk, William Moring, Joseph Jordan, Thomas H. Speller, Lewis T. Bond, William A. Pugh, Thomas P. Smallwood, Willie J. Gilliam, Joseph P. Cherry, John R. Gilliam, Kader Biggs, David Outlaw, John P. Rascoe, Joseph J. Rascoe, P. H. Winston, Henry Gilliam, George Gray, James L. Bryan, Lorenzo S. Webb, Wm. H. Rhodes, Wm. Gray and Wm. Furguson, and their associates, successors and assigns, be, and they are hereby created a body politic and a corporation in law and in fact, by the name and style of the "Bertie Manufacturing Company;" and by that name and style, shall sue and be sued, plead and be impleaded in any court of record in this State; contract and be contracted with; have perpetual succession and a common seal; acquire, own and possess real and personal estate necessary for all the purposes of said corporation.

Sec. 2. *Be it further enacted,* That said corporation shall have power to establish factories and mills, for the manufacture of cotton, wool, flour and other like materials in or near the town of Windsor, and county of Bertie, and for no other purposes whatsoever.

Sec. 3. *Be it further enacted*, That said corporation shall have power to make all necessary by-laws, rules and regulations necessary for its good government, not inconsistent with the constitution and laws of this State, and shall have power to appoint their officers and agents to transact their business and to conduct their operation.

Sec. 4. Be *it further enacted*, That the capital stock of said corporation shall consist of five hundred shares, of one hundred dollars each.

Sec. 5. *Be it further enacted*, That the annual meetings of the stockholders, either in person or by proxy, shall be held in the town of Windsor, on the second Monday of May in each and every year; at which meeting proper officers shall be appointed to conduct the business of said corporation, who shall hold their office one year or until their successors shall be appointed; but nothing in this clause shall be so construed as to prevent general meetings whenever the interest of the company require it.

Sec. 6. *Be it further enacted*, That the stockholders of said company, in general meeting, shall have power to adopt rules and regulations with regard to certificates and evidences of stock, and transfers and assignments of the same; and shall have power to increase their capital stock whenever the business of the company may require it, to an amount not exceeding one hundred thousand dollars.

Sec. 7. Be *it further enacted*, That each stockholder shall vote according to the following scale, that is to say, for each share not exceeding five shares, one vote; for every four shares above five shares and not exceeding thirteen shares, one vote; and for every ten shares above thirteen, one vote.

Sec. 8. *Be it further enacted*, That it shall be the duty of said corporation to keep a full and fair record of their proceedings, in a book or books provided for that purpose, and shall produce said record in any court of justice when required to do so by said court.

Sec. 9. *Be it further enacted*, That the proper officers of said company, when expedient, shall semi-annually declare dividends of the net profits thereof.

Sec. 10. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXXI.

AN ACT to incorporate the North Carolina Manufacturing, Mining and Land Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That there shall be established in this State, a Mining and Manufacturing Company, by the name and style of "the North Carolina Manufacturing, Mining and Land Company," the capital whereof shall not exceed one million of dollars, divided into shares of one hundred dollars each.

Sec. 2. *Be it further enacted*, That Mathew W. Davis, William H. Miller, Robert G. Twitty, John G. Fynum, Frederic Bronson, and such other persons as they may associate with them, are hereby appointed commissioners, and are authorized, at such time and place as they may deem expedient, after forty days notice given by advertisement in some newspaper published in the State, to open books for receiving subscriptions for shares of stock in said company.

Sec. 3. *Be it further enacted*, That when the sum of two hundred and fifty thousand dollars shall have been subscribed, the subscribers, their successors or assigns, are hereby de-

clared to be incorporated by the name and style of "the North Carolina Manufacturing, Mining and Land Company," and shall continue to exist as such for fifty years; and as such and by said name and style, may sue and be sued, plead and be impleaded, and have power to make all by laws and regulations, not inconsistent with the laws of this State, which may be necessary for the well ordering and conducting of the affairs of said company; they may elect a president and directors, and empower them to adopt such by-laws and rules as may be necessary to a successful prosecution of the objects of said company; they may have and use a common seal, and the same alter, break and renew at pleasure; and possess and enjoy all the rights and privileges of a corporation and body politic: *Provided*, that said corporation shall be confined to holding of land to mining and manufacturing.

Sec. 4. *Be it further enacted*, That said company are hereby authorized to receive, in payment for subscriptions for stock, real estate directly connected with the objects of said company; and the said commissioners and their associates, or a majority of them, are authorized to adopt uniform and equitable rules determining the conditions upon which, and the value at which such real estate is to be received in subscriptions for shares of stock in said company; and it is hereby further declared that the stock of said corporation shall be held and deemed personal property: *Provided always*, that the real estate which shall be received and held by said company, in payment of subscriptions for shares of stock in said company, or which shall be acquired in any other manner, shall be subject to the same taxation as other lands in this State.

Sec. 5. *Be it further enacted*, That all legal process against the corporation shall be served upon the president of said company, or, in his absence from the State, upon a director of said company, or, in case no director can be found,

upon a stockholder of said company, which shall be deemed a sufficient service upon said company.

Sec. 6. *Be it further enacted*, That it shall be the duty of said company to keep a full and fair record of all its by-laws, regulations, and proceedings in books provided for that purpose, and shall produce the same in any of the courts of record in this State, when required so to do by any of said courts.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXXII.

AN ACT to amend an act, entitled "An Act to incorporate the Washington Mining Company," passed in the year 1838–9.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the capital stock of the Washington Mining Company be, and the same is hereby reduced from the sum of five hundred thousand dollars, to the sum of two hundred and fifty thousand dollars, and that after the acceptance of this amended charter by the company, the shares of the capital stock of said company, held by the stockholders, instead of the nominal value of one hundred dollars for each share, shall be of the value of twenty-five dollars, and the number of shares increased to ten thousand.

Sec. 2. Be *it further enacted*, That this act shall be in force only after a majority of the stockholders in interest shall

have signified their assent thereto, in a general meeting of the said stockholders to be called for that purpose, which assent and acceptance of this amendment shall be entered on the book of said corporation, and evidenced by the corporate proceedings, certified under the seal of the corporation, and filed in the office of the Secretary of State.

[Ratified 28th January, 1851.]

CHAPTER CCXXIII.

AN ACT to incorporate the Lewis Gold Mining Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That there shall be established in said State a company by the name and style of the Lewis Gold Mining Company, for the purpose of mining, smelting and manufacturing ores, metals and minerals; and that the capital stock of said company shall not exceed the sum of two hundred thousand dollars, divided into shares of fifty dollars each.

Sec. 2. *Be it further enacted*, That Charles Fisher, John M. Lesle, Jonathan Sullivan, Joseph C. Harris, George H. Thompson, Hewey Seybert and John L. Newbold, or a majority of them, are hereby authorized, at such times and places as they shall deem expedient, after ten days' public notice, to open books for receiving subscriptions for shares of stock in said company.

Sec. 3. *Be it further enacted*, That when the sum of fifty thousand dollars has been subscribed, the subscribers and

their associates shall become and are hereby declared to be a body politic and corporate, under the name and style of "The Lewis Gold Mining Company;" and as such, may sue and be sued, plead and be impleaded; have power to make all by-laws and regulations, not inconsistent with the laws of the State, which may be necessary for the well ordering and conducting the affairs of said company; they may have a common seal, and the same break, alter and renew at pleasure; and possess and enjoy all the privileges and rights of a corporation or body politic. They shall have the right to purchase or lease lands for the purpose of conducting their business, and the same to sell and convey or otherwise dispose of: *Provided*, that said corporation shall not exercise any banking privileges, but shall be confined to the business of mining, manufacturing and selling the products of their mines and lands.

Sec. 4. *Be it further enacted*, That the commissioners named in section second shall have the right to receive, in payment or part payment for stock subscribed, any mining property, at such valuation as they shall deem just and reasonable; and in case of any subscriptions payable in real estate, a description of the same, and the valuation at which it shall be taken by the company, shall be entered on the subscription books. The stock of said company shall be held and deemed personal estate: *Provided always*, that the lands owned by said company shall be liable to taxation as other lands in this State.

Sec. 5. Be *it further enacted*, That the said company shall have a business office in the State, and all legal process against the corporation may be served upon the president or any director, or the agent of the company in charge of their office.

Sec. 6. *Be it further enacted*, That the said company shall be managed by five directors, to be elected annually by the stockholders, at such time, and place as shall be provided by laws; the first elections to be held within six months

after fifty thousand dollars of the stock shall be subscribed for. In case of a failure to hold an election at the time appointed, the corporation shall not be thereby dissolved, but the former directors shall continue in office until an election shall be held.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after the ratification thereof, and shall continue for the period of fifty years.

[Ratified 28th January, 1851.]

CHAPTER CCXXIV.

AN ACT to incorporate the Conrad Hill Gold Mining Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That there shall be established in the State a company by the name and style of "the Conrad Hill Gold Mining Company," for the purpose of mining, smelting and manufacturing ores, metals and minerals, and that the capital stock of said company shall not exceed the sum of two hundred thousand dollars, divided into shares of fifty dollars each.

Sec. 2. *Be it further enacted*, That Charles Fisher, John M. Lisle, Jonathan Sullivan, Joseph G. Harris, George H. Thompson, Henry Seybert and John L. Newbold, or a majority of them, are hereby authorized, at such times and places as they shall deem expedient, after ten days public

notice, to open books for receiving subscriptions for shares of stock in said company.

Sec. 3. *Be it further enacted*, That when the sum of fifty thousand dollars has been subscribed, the subscribers and their associates shall become, and are hereby declared to be a body politic and corporate, under the name and style of "The Conard Hill Gold Mining Company," and as such may sue and be sued, plead and be impleaded, have power to make all by-laws and regulations, not inconsistent with the laws of the State, which may be necessary for the well ordering and conducting the affairs of said company. They may have a common seal, and the same break, alter and renew at pleasure; and possess and enjoy all the privileges and rights of a corporation or body politic. They shall have the right to purchase or lease lands for the purpose of conducting their business, and the same to sell, convey or otherwise dispose of: *Provided*, that said corporation shall not exercise any banking privilege, but shall be confined to the business of mining, manufacturing and selling the products of their mines and lands.

Sec. 4. *Be it further enacted*, That the commissioners named in section second shall have the right to receive, in payment or part payment for stock subscribed, any mining property, at such valuation as they shall deem just and reasonable. And in case of any subscription payable in real estate, a description of the same and the valuation at which it shall be taken by the company, shall be entered on the subscription books. The stock of said company shall be held and deemed personal estate: *Provided always*, that the lands owned by said company shall be liable to taxation as other lands in this State.

Sec. 5. *Be it further enacted*, That the said company shall have a business office in the State, and all legal process against the corporation may be served upon the president, or any director, or the agent of the company in charge of their office.

Sec. 6. *Be it further enacted,* That the said company shall be managed by five directors, to be elected annually by the stockholders, at such time and place as shall be provided in the by-laws. The first election to be held within six months after fifty thousand dollars of the stock shall be subscribed for. In case of failure to hold an election at the time appointed, the corporation shall not be thereby dissolved, but the former directors shall continue in office until an election shall be held.

Sec. 7. *Be it further enacted,* That this act shall be in force from and after the ratification thereof, and shall continue for the period of fifty years.

[Ratified 28th January, 1851.]

CHAPTER CCXXV.

AN ACT to incorporate the Chatham Mining and Transportation Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That William T. Horne, Thomas Hill, N. A. Stedman, J. J. Jackson and William B. Thompson and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of the Chatham Mining and Transportation Company, and as such shall have succession, and may have and use a common seal, and change the same at pleasure; and shall be capable to sue and be sued, plead and be impleaded in any Court of law and equity; and may also have, use, exercise and enjoy all the powers, privileges and rights proper and necessary for the opening and working mines of the Company, and of

transporting to market and vending the produce of their own and other lands, mines and manufactories; and shall also have power to purchase and hold all such property, real, personal and mixed, as they may require for the purposes aforesaid: *Provided*, that the said company shall at no time hold or possess more than five thousand acres of land; and the said Company shall have power, for the purposes aforesaid, to make such by laws, rules and regulations as may be necessary, and which shall be binding on the Company, provided they be not repugnant to any law of this State or of the United States.

Sec. 2. *Be it further enacted*, That the capital stock of the said company shall be divided into ten thousand shares of fifty dollars each, of which the lands, mines, boats, rights and other property of any of the stockholders shall constitute a part, at such prices as may be agreed upon between the owners thereof on the one part, and those who may associate with them and constitute the aforesaid corporation by subscribing for stock payable in money, on the other part.

Sec. 3. *Be it further enacted*, That the subscriptions to the said capital stock shall be made at such times and places, and in such manner as shall be designated by the said William T. Horne, Thomas Hill, N. A. Stedman, J. J. Jackson and William B. Thompson, or a majority of them, and the shareholders shall be entitled at all meetings of the stockholders, to one vote for each share so held in person or by proxy; and the shares of said capital stock shall be assignable and transferable as may be provided for by the by-laws of said company, and shall be considered as personal property.

Sec. 4. *Be it further enacted*, That the affairs of said company shall be managed by a board of seven Directors, who shall be chosen annually by the stockholders, which board shall choose one of their number to be President; and the President and Directors so chosen shall serve for one year and until others shall be elected as shall be provided

by the laws of the corporation; and until the first election of Directors shall be held, the said William T. Horne, Thomas Hill, N. A Stedman, J. J. Jackson and William B. Thompson, or a majority of them, shall have full power and authority to exercise all the corporate powers of the said Company: and the President and Directors and their successors, or a majority of them, shall have full power and authority to manage the affairs of the said company, under such powers as may be given them by the by-laws of the said Company; and in case of any vacancy occuring in the Presidency or Board of Directors of the said company, the remaining Directors shall have power to fill such vacancy until the next general election thereafter.

Sec. 5. *Be it further enacted*, That this act and no part thereof shall be so construed as to give to the said company any banking privilege, or any right to issue note payable to bearer for circulation, or to exempt the lands and other property of the said company from taxation.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after its passage.

Sec. 7. *Be it further enacted*, That the rights, privileges and immunities hereinbefore granted in this act of incorporation shall extend to the term of ninety nine years and no further.

[Ratified 28th January, 1851.]

CHAPTER CCXXVI.

AN ACT to incorporate the Borrowdale Mining and Transportation Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That John H. Haughton, L. J. Haughton, and their associates, successors and assigns be, and they are hereby constituted a body corporate and politic, by the name and style of "The Borrowdale Mining and Transportation Company;" and as such, shall have succession, and may have and use a common seal, and change the same at pleasure; and shall be capable to sue and be sued, plead and be impleaded, in any court of law or equity; and may also have, use, exercise and enjoy all the powers, privileges and rights proper and necessary for the opening and working mines of the company, and of transporting to markets and vending the produce of their own and other lands, mines and manufactories; and shall also have power to purchase and hold all such property, real, personal and mixed, as they may require for the purposes aforesaid: *Provided*, that the said company shall at no time hold or possess more than five thousand acres of land; and the said company shall have power, for the purposes aforesaid, to make such by-laws, rules and regulations as may be necessary, and which shall be binding on the company, provided they be not repugnant to any law of this State or of the United States.

Sec. 2. Be *it further enacted*, That the capital stock of the said company shall be divided into ten thousand shares of one hundred dollars each, of which the lands, mines, boats, rights and other property of any of the stockholders shall constitute a part, at such price as may be agreed upon between the owners thereof, on the one part, and those who may associate with them and constitute the aforesaid corporation by subscribing for stock payable in money, on the other part.

Sec. 3. *Be it further enacted*, That the subscriptions to the said capital stock shall be made at such times and places, and in such manner as shall be designated by the said John H. Haughton and Lawrence J. Haughton; and the shareholders shall be entitled at all meetings of the stockholders to one vote for each share so held, in person or by proxy; and the shares of the said capital stock shall be assignable or transferable, as may be provided for by the by-laws of the said company, and shall be considered as personal property.

Sec. 4. *Be it further enacted*, That the affairs of said company shall be managed by a board of five directors, who shall be chosen annually by the stockholders, which board shall choose one of their number to be president; and the president and directors so chosen shall serve for one year and until others shall be elected, as shall be provided by the by-laws of the corporation; and until the first election of directors shall be held, the said John H. Haughton and Lawrence J. Haughton shall have full power and authority to exercise all the corporate powers of the said company; and the said president and directors and their successors, or a majority of them, shall have full power and authority to manage the affairs of the said company, under such powers as may be given them by the by-laws of the said company; and in case of any vacancy occurring in the presidency or board of directors of the said company, the remaining directors shall have power to fill such vacancy until the next general election thereafter.

Sec. 5. *Be it further enacted*, That a majority in interest of the stockholders of the said corporation may instruct the directors thereof, and who shall be bound thereby, to subscribe to the capital stock of the Cape Fear and Deep River Navigation Company to an amount not exceeding, in the whole, five per cent of the capital stock of the said Borrowdale Mining and Transportation Company.

Sec. 6. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXXVII.

AN ACT to incorporate the LaGrange Mining, Manufacturing and Transportation Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That P. G. Evans, Isaac Hall, W. W. Avery, and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of the "LaGrange Mining, Manufacturing and Transportation Company;" and as such shall have succession, and may have and use a common seal, and change the same at pleasure; and shall be capable to sue and be sued, plead and be impleaded in any court of law and equity; and may also have, use, exercise and enjoy all the powers, privileges and rights proper and necessary for the opening and working the mines of coal and ore of the company, manufacturing and transporting to market and vending the produce of their own and other lands, mines and manufactories; and shall also have power to purchase and hold all such property, real, personal and mixed, as they may require for the purposes aforesaid: *provided*, that the said company shall at no time hold or possess more than five thousand acres of land; and the said company shall have power, for the purposes aforesaid, to make such by-laws, rules and regulations as may be necessary, and which shall be binding on the company, pro-

vided they be not repugnant to any law of this State or of the United States.

Sec. 2. *Be it further enacted*, That the capital stock of the said company shall be divided into ten thousand shares of fifty dollars each, of which the lands, mines, boats, rights and other property of any of the stockholders shall constitute a part, at such prices as may be agreed upon between the owners thereof on the one part, and those who may associate with them and constitute the aforesaid corporation by subscribing for the stock payable in money, on the other part.

Sec 3. *Be it further enacted*, That the subscription to the said capital stock shall be made at such times and places, and in such manner as shall be designated by the said P. G. Evans, Isaac Hall, W. W. Avery, or a majority of them; and the shareholders shall be entitled, at all meetings of the stockholders, to one vote for each share so held, in person or by proxy; and the shares of said capital stock shall be assignable or transferable, as may be provided for by the by-laws of said company, and shall be considered as personal property.

Sec. 4. *Be it further enacted*, That the affairs of said company shall be managed by a board of nine directors, who shall be chosen annually by the stockholders, which board shall choose one of their number to be president; and the president and directors so chosen shall serve for one year and until others shall be elected, as shall be provided by the laws of the corporation; and until the first election of directors shall be held, the said P. G. Evans, Isaac Hall, W. W. Avery, or a majority of them, shall have full power and authority to exercise all the corporate powers of the said company; and the president and directors and their successors, or a majority of them, shall have full powers and authority to manage the affairs of the said company, under such powers as may be given them by the by-laws of the said company; and in case of any vacancy occurring in the presidency

or board of directors of the said company, the remaining directors shall have power to fill such vacancy until the next general election thereafter.

Sec. 5. *Be it further enacted*, That this act, and no part thereof, shall be so construed as to give to the said company any banking privilege, or any right to issue notes payable to bearer for circulation, or to exempt the lands and other property of the said company from taxation; *Provided*, that nothing contained in this act shall be so construed as to exempt from the payment of tolls to the Cape Fear and Deep River Navigation Company, or the Cape Fear Navigation Company, or any boats employed in transporting coal on said river.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

Sec. 7. *Be it further enacted*, That the rights, privileges and immunities hereinbefore granted in this act of incorporation, shall extend to the term of ninety-nine years, and no farther.

[Ratified 28th January, 1851.]

CHAPTER CCXXVIII.

AN ACT to incorporate the Deep River Mining and Transportation Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John Taylor, Lemuel Williams, Henry B. Hewitt and others, their associates, successors and assigns, be, and they are hereby constituted a body corporate and

politic, by the name and style of "The Deep River Mining and Transportation Company;" and as such, shall have succession, and may have and use a common seal, and change the same at pleasure; and shall be capable to sue and be sued, plead and be impleaded, in any court of law or equity; and may also use and exercise and enjoy all the powers, privileges and rights proper and necessary in the opening and working mines of the company, and transporting to market and vending the produce of their own and other lands, mines and manufactories; and shall also have power to purchase and hold all such property, real, personal and mixed, as they may require for the purpose aforesaid: *Provided*, that the said company shall at no time hold or possess more than five thousand acres of land; and the said company shall have power, for the purposes aforesaid, to make such by-laws, rules and regulations as may be necessary, and which shall be binding on the company, provided they be not repugnant to any law of this State or of the United States.

Sec. 2. *Be it further enacted*, That the capital stock of the said company shall be divided into ten thousand shares, of one hundred dollars each, of which the lands, mines, boats, rights and other property of any of the stockholders shall constitute a part, at such price as may be agreed upon between the owners thereof on the one part, and those who may associate with them and constitute the aforesaid corporation by subscribing for the stock payable in money, on the other part.

Sec. 3. *Be it further enacted*, That the subscriptions to the said capital stock shall be made at such times and place, and in such manner as shall be designated by the said John Taylor, Lemuel Williams, Henry B. Hewitt, or a majority of them; and the shareholders shall be entitled, at all meetings of the stockholders, to one vote for each share so held, in person or by proxy; and the shares of the said capital stock shall be assignable or transferable, as may be provided by

the by laws of the said company, and shall be considered as personal property.

Sec. 4. *Be it further enacted*, That the affairs of the said company shall be managed by a board of five directors, who shall be chosen annually by the stockholders, which board shall choose one of their number to be president; and the president and directors so chosen shall serve for one year and until others shall be elected as shall be provided by the by-laws of the corporation; and until the first election of directors shall be held, the said John W. Taylor, Lemuel Williams and Henry B. Hewitt, or a majority of them, shall have full power and authority to exercise all the corporate powers of the said company; and the said president and directors and their successors, or a majority of them, shall have full power and authority to manage the affairs of the said company as may be given them by the by-laws of the said company; and in case of any vacancy occurring in the presidency or board of directors of the said company, the remaining directors shall have power to fill such vacancy until the next general election thereafter.

Sec. 5. *Be it furthe enacted*, That the corporation may instruct their directors to subscribe to the capital stock of the Cape Fear and Deep River Navigation Company, and to the Cape Fear Navigation Company, to an amount not exceeding, in the whole, five per cent. on the capital stock of said Deep River Mining and Transportation Company: *Provided*, that nothing contained in this act shall be so construed as to exempt from the payment of tolls to the Cape Fear and Deep River Navigation Company or the Cape Fear Navigation Company any boat employed in transportation of coal on said River.

Sec. 6. *Be it further enacted*, That this act shall take effect from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXXIX.

AN ACT to incorporate the Pittsboro' Mining and Transportation Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the the same,* That Henry B. Hewitt, Horace White and C. W. Goddard and others their associates, successors and assigns be, and they are hereby constituted a body corporate and politic, by the name and style of "The Pittsboro' Mining and Transportation Company," and as such, shall have succession, may have and use a common seal, and change the same at pleasure; and shall be capable to sue and be sued, plead and be impleaded in any court of law or equity; and may also have, use and exercise and enjoy all the powers, privileges and rights proper and necessary in the opening and working mines of the company, and transporting to market, and vending the produce of their own and other lands, mines and manufactories; and shall also have power to purchase and hold all such property, real, personal and mixed, as they may require for the purpose aforesaid: *provided*, that the said company shall at no time hold or possess more than five thousand acres of land; and the said company shall have power, for the purposes aforesaid, to make such by-laws, rules and regulations as may be necessary, and which shall be binding on the company, provided they be not repugnant to any law of this State or of the United States.

Sec. 2. *Be it further enacted*, That the capital stock of the said company shall be divided into ten thousand shares of one hundred dollars each, of which the lands, mines, boats, rights and other property of any of the stockholders shall constitute a part, at such price as may be agreed upon between the owners thereof on the one part, and those who may associate with them and constitute the aforesaid corporation by subscribing for the stock payable in money, on the other part.

Sec. 3. *Be it further enacted*, That the subscriptions to the said capital stock shall be made at such times and place, and in such manner as shall be designated by the said Henry B. Hewitt, Horace White and C. W. Goddard, or a majority of them; and the stockholders shall be entitled, at all meetings of the stockholders, to one vote for each share so held, in person or by proxy; and the shares of the said capital stock shall be assignable or transferable, as may be provided for by the by-laws of the said company, and shall be considered as personal property.

Sec. 4. *Be it further enacted*, That the affairs of the said company shall be managed by a board of five directors, who shall be chosen annually by the stockholders, which board shall choose one of their number president; and the president and directors so chosen shall serve for one year and until others shall be elected, as shall be provided by the by-laws of the corporation; and until the first election of directors shall be held, the said Henry B. Hewitt, Horace White and C. W. Goddard, or a majority of them, shall have full power and authority to exercise all the corporate powers of the said company; and the said president and directors, and their successors, or a majority of them, shall have full power and authority to manage the affairs of said company as may be given them by the by-laws of said company; and in case of any vacancy occuring in the presidency or board of directors of the said company, the remaining directors shall have power to fill said vacancy until the next general election thereafter.

Sec. 5. *Be it further enacted*, That this corporation may instruct their directors to subscribe to the capital stock of the Cape Fear and Deep River Navigation Company and to the Cape Fear Navigation Company, to an amount not exceeding, in the whole, five per cent. of the capital stock of said Pittsboro' Mining and Transportation Company.

Sec. 6. *Be it further enacted*, That this act shall take effect from and after its ratification.

[Ratified 28th January 1851.]

CHAPTER CCXXX.

AN ACT to incorporate the Governor's Creek Steam Transportation and Mining Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Lemuel Williams and M. Q. Waddill and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of "The Governor's Creek Steam Transportation and Mining Company;" and as such, shall have succession, and may have and use a common seal, and change the same at pleasure; and shall be capable to sue and be sued, plead and be impleaded in any court of law or equity; and may also have, use, exercise and enjoy all the powers, privileges and rights proper and necessary for the opening and working mines of the company, and of transporting to market, and vending the produce of their own and other lands, mines and manufactories; and shall also have power to purchase and hold all such property, real, personal and mixed, as they may require, for the purposes aforesaid: *Provided*, that the said company shall at no time hold or possess more than five thousand acres of land; and the said company shall have power, for the purposes aforesaid, to make such by-laws, rules and regula-

tions as may be necessary, and which shall be binding on the company, provided they be not repugnant to any laws of this State or of the United States.

Sec. 2. *Be it further enacted*, That the capital stock of the said company shall be divided into ten thousand shares, of one hundred dollars each, of which the lands, mines, boats, rights and other property of any of the stockholders shall constitute a part, at such price as may be agreed upon between the owners thereof, on the one part, and those who may associate with them and constitute the aforesaid corporation by subscribing for stock payable in money, on the other part.

Sec. 3. *Be it further enacted*, That the subscriptions to the said capital stock shall be made at such times and place, and in such manner as shall be designated by the said Lemuel Williams and M. Q. Waddill; and the shareholders shall be entitled at all meetings of the stockholders to one vote for each share so held, in person or by proxy; and the shares of the said capital stock shall be assignable or transferable, as may be provided for by the by-laws of the said company, and shall be considered as personal property.

Sec. 4. *Be it further enacted*, That the affairs of the said company shall be managed by a board of five directors, who shall be chosen annually by the stockholders, which board shall choose one of their number to be president; and the president and directors so chosen shall serve for one year and until others shall be elected, as shall be provided by the by-laws of the corporation; and until the first election of directors shall be held, the said Lemuel Williams and M. Q. Waddill, or a majority of them, shall have full power and authority to exercise all the corporate powers of the said company; and the said president and directors and their successors, or a majority of them, shall have full power and authority to manage the affairs of the said company, under such powers as may be given them by the by-laws of the said

company; and in case of any vacancy occurring in the presidency or board of directors of the said company, the remaining directors shall have power to fill such vacancy until the next general election thereafter.

Sec. 6. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXXXI.

AN ACT to incorporate the North Carolina Transportation and Mining Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That William T. Horne, John Earl Williams and James C. Stedman and their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of "The North Carolina Transportation and Mining Company;" and as such, shall have succession, and may have and use a common seal, and change the same at pleasure; and shall be capable to sue and be sued, plead and be impleaded in any court of law and equity; and may also have, use, exercise and enjoy all the powers, privileges and rights proper and necessary for the opening and working mines of the company, and of transporting to market and vending the produce of their own and other lands, mines and manufactories; and shall also have power to purchase and hold all such property, real, personal and mixed, as they may require for the purposes aforesaid: *Provided*, that the said company shall at no time hold or

possess more than five thousand acres of land; and the said company shall have power, for the purposes aforesaid, to make such by-laws, rules and regulations as may be necessary, and which shall be binding on the company, provided they be not repugnant to any law of this State or of the United States.

Sec. 2. *Be it further enacted*, That the capital stock of the said company shall be divided into ten thousand shares, of fifty dollars each, of which the lands, mines, boats, rights and other property of any of the stockholders shall constitute a part, at such prices as may be agreed upon between owners thereof, on the one part, and those who may associate with them and constitute the aforesaid corporation by subscribing for stock payable in money, on the other part.

Sec. 3. *Be it further enacted*, That the subscriptions to the said capital stock shall be made at such times and places and in such manner as shall be designated by the said William T. Horne, John Earl Williams and James C. Stedman, or a majority of them; and the share holders shall be entitled at all meetings of the stockholders to one vote for each share so held, in person or by proxy; and the shares of said capital stock shall be assignable or transferable, as may be provided for by the by-laws of said company, and shall be considered as personal property.

Sec. 4. *Be it further enacted*, That the affairs of the said company shall be managed by a board of seven directors, who shall be chosen annually by the stockholders, which board shall choose one of their number to be president; and the president and directors so chosen shall serve for one year and until others shall be elected, as shall be provided by the by-laws of the corporation; and until the first election of directors shall be held, the said William T. Horne, John Earl Williams and James C. Stedman, or a majority of them, shall have full power and authority to exercise all the corporate powers of the said company; and the president and directors, and their successors, or a majority of them, shall

have full power and authority to manage the affairs of the said company, under such powers as may be given them by the by-laws of the said company; and in case of any vacancy occurring in the presidency or board of directors of the said company, the remaining directors shall have power to fill such vacancy until the next general election thereafter.

Sec. 5. *Be it further enacted*, That this act and no part thereof shall be so construed as to give to the said company any banking privileges or any right to issue notes payable to bearer for circulation, or to exempt the lands and other property of the said company from taxation.

Sec. 6. *Be it further enacted*, That the said company may instruct their directors to subscribe to the stocks now or hereafter to be created of the Cape Fear Navigation Company, and the Cape Fear and Deep River Navigation Company, an amount not exceeding, in the whole, ten per cent. of the capital stock of said North Carolina Transportation and Mining Company.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after its ratification.

Sec. 8. *Be it further enacted*, That this act shall continue in force for the term of ninety nine years.

[Ratified 29th January, 1851.]

MASONS.

CHAPTER CCXXXII.

AN ACT to incorporate Dan River Lodge, No. 129, in the town of Madison, Rockingham county, North Carolina.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the master, wardens and members, which at present are, or in future may be of Dan River Lodge, in Madison, Rockingham county, are hereby constituted and declared to be a body corporate, under the name and title of "Dan River Lodge;" and by such name, shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, acquire and transfer property; and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this State, or of the United States: *Provided, nevertheless*, that said corporation shall not hold any more real estate than may be necessary for the convenient transaction of its business.

[Ratified 28th January, 1851.]

CHAPTER CCXXXIII.

AN ACT to incorporate Fulton Lodge, No. 99, of Ancient York Masons, in the Town of Salisbury.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the master, wardens and members of Fulton Lodge No. 99, of Ancient York Masons, of the town of Salisbury, in the county of Rowan, and their successors, be, and the same are hereby constituted and declared a body politic and corporate, by the name and style of "Fulton Lodge, No. 99;" and by that name, shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded; and in general, exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of a like nature: *Provided, nevertheless*, that said corporation shall not hold any more real estate than may be necessary for the convenient transaction of its business.

[Ratified 27th January, 1851.]

CHAPTER CCXXXIV.

AN ACT to incorporate Mocksville Division, No. 134, of Ancient York Masons, in the town of Mocksville.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the master, wardens and members of Mocksville Lodge, No. 134, of Ancient York Masons, are hereby constituted and declared a body politic and corporate, by the name and style of "Mocksville Lodge, No. 134 of Ancient York Masons," to be located in the town of Mocksville; and

by such name, shall have succession and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, pass all such by-laws and regulations, and in general, exercise and enjoy all such rights and privileges as are usually incident to corporate bodies of the like nature: *Provided, nevertheless,* that said corporation shall not hold any more real estate, than may be required for the convenient transaction of its business.

[Ratified 28th January, 1851.]

CHAPTER CCXXXV.

AN ACT to incorporate Hank's Lodge, No. 128, of Ancient York Free and Accepted Masons.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the individuals who are now associated in Franklinsville, Randolph county, to wit: A. S. Horney, Archibald T. Pounds, David P. Reece, Thomas C. Moffitt, Robert S. Moffit, John Howard, Henry W. Arley, Samuel B. Hunt, Thos. T. Hunt, David W. Hunt, Garrett Lane, Joseph L. Reece, Benjamin F. Cofin, John W. Coovin, Henry M. Foust, Thomas W. Allred, E. A. Cravin, Alfred Cavness, Spencer M. Dorsett, Solomon J. Pickett, Samuel W. McCary, Calvin E. Graves and Patrick H. Hunt, as a Masonic Lodge, under the name of "Hank's Lodge, No. 128," and those who may hereafter become members of the said Lodge agreeable to the rules which may therein be established, be, and the same are hereby incorporated into a body politic and corporate, by the name of "Hank's Lodge, No. 128;" and as such, shall have

perpetual succession and a common seal; may sue and be sued, plead and be impleaded, be capable of acquiring, holding and transferring real and personal estate; make, ordain and establish laws, rules and regulations for their own government; to elect their own officers, and enjoy all other power, sprivileges and immunities incident to bodies corporate of a like nature: *Provided, nevertheless*, that said coporation shall not hold any more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXXXVI.

AN ACT to incorporate Gaston Chapter, No. 10, of Ancient Free and Accepted Masons, in the town of Roxborough, Person county, N. C.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the High Priest, King, Scribe and Members which at present are or in future may be of Gaston Chapter, No. 10, in Roxborough, Person county, N. C., are hereby constituted and declared a body corporate, under the name and title of "Gaston Chapter;" and by such name shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this State or of

the United States; and they shall hold no more real estate than is necessary for the convenient transaction of their business.

[Ratified 28th January, 1851.]

CHAPTER CCXXXVII.

AN ACT to incorporate Radiance Lodge, No. 132, in the town of Snow Hill, Greene county.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that the Master, Wardens and members of Radiance Lodge, No. 132, Snow Hill, in Greene county, and their successors, be, and they are hereby constituted a body politic and corporate, by the name of "Radiance Lodge, No. 132;" and by that name, shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations for their own government as shall not be inconsistent with the constitution and laws of the United States and of this State.

[Ratified 29th January, 1851.]

CHAPTER CCXXXVIII.

AN ACT to incorporate "Pasquonaux Lodge, No. 103," of Ancient York Masons, of the town of Elizabeth City, and county of Pasquotank.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the officers and members who now are, or in future may be, of the "Pasquonaux Lodge, No. 103, of Ancient York Masons," in the town of Elizabeth City, and the county of Pasquotank, are hereby constituted and declared to be a body corporate, under the name of "Pasquonaux Lodge, No. 103, of Ancient York Masons," and by such name, shall have succession and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this State or of the United States: *Provided*, that said corporation shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCXXXIX.

AN ACT to incorporate Holly Springs Lodge, No. 115, of Ancient York Masons, in the county of Wake.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of*

the same, That the officers and members who at present or in future may be of Holly Springs Lodge, No. 115, of Ancient York Masons, in the county of Wake, are hereby constituted and declared to be a body corporate, under the name and title of "Holly Springs Lodge, No. 115;" and by said name, shall have succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution of the State: *Provided, nevertheless*, that said corporation shall not hold any more real estate than may be required for the convenient transaction of its business.

[Ratified 28th January, 1851.]

CHAPTER CCXL.

AN ACT to incorporate Lafayette Lodge, No. 83, in the county of Onslow.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Master, Wardens and members which at present are or in future may be of Lafayette Lodge, No. 83, of free and accepted masons, in Onslow county, are hereby constituted and declared to be a body corporate, under the name and title of "Lafayette Lodge;" and by such name, shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this State or of the United States: *Provided*, that said corporation

shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXLI.

AN ACT to incorporate Raleigh Chapter, No. 10, of Royal Arch Masons, in the city of Raleigh.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the officers and members who now are and may hereafter be of Raleigh Chapter, No. 10, of Royal Arch Masons, in the city of Raleigh, and county of Wake, be, and they are hereby constituted a body politic and corporate, under the name and style of "Raleigh Chapter, No. 10, Royal Arch Masons," in the city of Raleigh; and by that name, may sue and be sued, plead and be impleaded, acquire and transfer property, shall have succession and a common seal, and shall have power to pass all such rules and by-laws as they may deem necessary and proper for the government of said chapter, which are not inconsistent with the constitution and laws of the State or of the United States: *provided*, that said corporation shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXLII.

AN ACT to incorporate Person Lodge, No. 113, of free and accepted Masons, in the town of Roxborough, Person county, North-Carolina.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the Master, Wardens and Members which at present are or in future may be, of "Person Lodge," in Roxborough, Person county, North Carolina, are hereby constituted and declared to be a body corporate, under the name and title of "Person Lodge;" and by such name, shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this State or of the United States: *Provided, nevertheless,* that said corporation shall not hold any more real estate than may be required for the convenient transaction of its business.

[Ratified 28th January, 1851.]

CHAPTER CCXLIII.

AN ACT to incorporate Keystone Chapter, No. 19, in the town of Plymouth.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the officers and members who are at present or in future may be of Keystone Chapter, No. 19, of Royal Arch Masons, in the town of Plymouth, Washington county,

be, and they are hereby constituted and declared a body corporate, under the name and title of Keystone Chapter, No 19; and by that name, may sue and be sued, plead and be impleaded; acquire, hold and transfer property, both real and personal; and have succession and a common seal: *Provided, nevertheless*, that the said corporation shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws, rules and regulations for its own government, not inconsistent with the laws of this State, the United States, or the constitution of either of them.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXLIV.

AN ACT to incorporate Tuscarora Lodge, No. 122, of Ancient York Masons.

Section 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the officers and members who are now and hereafter may be of Tuscarora Lodge, No. 122, of Ancient York Masons, in the town of Oxford, county of Granville, be, and they are hereby constituted and declared to be a body corporate, under the name and title of Tuscarora Lodge; and by such name, shall have perpetual succession

and a common seal; may sue and be sued, plead and be impleaded; acquire and transfer property; and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this State or of the United States: *Provided, nevertheless,* that the said corporation shall not hold any more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted,* That this act shall take effect and be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCXLV.

AN ACT to incorporate Connoho Lodge, No. 131, in the town of Hamilton.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the master, wardens and members which at present are or those who may hereafter become attached to Cannoho Lodge, No. 131, in the town of Hamilton, be, and they are hereby constituted and declared to be a body corporate and politic, by the name of "Connoho Lodge;" and by that name, shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded; acquire and hold, sell and transfer property, real or personal; and pass such rules, regulations and by-laws, for their own government, as may not be inconsistent with the constitution and laws of this State and of the United States: *Provided, nevertheless,* that said corporation shall not hold any more

real estate than may be necessary for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCXLVI.

AN ACT to incorporate Logan Lodge, No. 121, A. Y. M., located in Jamestown, in the county of Guilford.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the officers and members, who now are, or may hereafter be, of Logan Lodge, No. 121, of Ancient York Masons, located at Jamestown, in the county of Guilford, be, and the same are hereby incorporated and declared a body politic and corporate, by the name and style of "Logan Lodge, No. 121, Ancient York Masons;" and by that name, shall be able and capable in law to sue and be sued, plead and be impleaded in any court in this State; acquire and transfer property for their own use, and adopt all such by-laws, rules and regulations, for their government, as are not inconsistent with the laws and constitution of this State or of the United States: *Provided nevertheless*, that said corporation shall not hold any more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 17th January, 1851.]

MISCELLANEOUS.

CHAPTER CCXLVII.

AN ACT to incorporate "The Albemarle Fire Engine Company," in the town of Edenton.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the present and future officers and members of "The Albemarle Fire Engine Company," and their successors, in the town of Edenton, be, and they are hereby constituted a body politic and corporate, by the name of "The Albemarle Fire Engine Company," and by such name, shall have perpetual succession and a common seal, sue and be sued, plead and be impleaded in any court of this State; they shall have power to appoint their own officers, and do and perform all such acts and things necessary and useful to carry into effect the true intent and design of said company, such as are usually exercised by similar bodies corporate in this State; to make their own by-laws and regulations, and enforce the same under such penalties as they shall deem it expedient to impose, not repugnant to the constitution and laws of this State; and all such persons as have enrolled or may hereafter enrol themselves in said company, shall be exempt from military duty, except in cases of insurrection or invasion.

Sec. 2. *Be it further enacted,* That the commissioners of the town of Edenton shall have such power and authority over the said company as will tend to the best regulation thereof, and to the promotion of the good ends for which the said company is instituted.

Sec. 3. *Be it further enacted*, That it shall be the duty of the commanding officers of this company to make due return of the number of officers and privates to the commanding officers of the regiment to which they belong, under the same regulations and penalties as are now required and imposed on officers of Malitia Companies.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXLVIII.

AN ACT for the benefit of Thomas Griggs, administrator of Samuel B. Dozier, late Sheriff of Currituck county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Thomas Griggs, the administrator of Samuel B. Dozier, late sheriff of Currituck county, be, and he is hereby authorized to collect the arrears of taxes due him for the years of 1847–'48 and '49, which collections shall be made under the same rules, regulations and restrictions as the collection of taxes are by the public laws of this State: *Provided*, that the authority hereby given shall not extend to persons who have removed from the county, nor to executors or administrators, nor to any who will voluntarily swear before any justice of the peace of said county that he, or she verily believes the arrears claimed from him or her have been paid.

Sec. 2. *Be it further enacted*, That the powers hereby granted shall cease and determine with the year 1851.

[Ratified 27th January, 1851.]

CHAPTER CCXLIX.

AN ACT to prevent the obstruction of fish passing up Mayo river, below William Anglin's mill.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall not be lawful for any person to erect or fix, or to keep up and maintain, at any place on Mayo River, below William Anglin's mill, any dam, hedge, seine, drag, trap or stoppage, whereby the passage of fish may be obstructed, save only for the purpose of working some machine or engine of use to the public, or for the purpose of a water grist or saw mill: *Provided*, that this act shall not be so construed as to prevent the hauling of seines, or to prevent the ordinary use of nets in taking fish; *and provided further*, that it may be lawful for any person to erect or fix any dam, hedge, seine, drag or trap across two thirds of said river at any point or place below said mill.

Sec. 2. *Be it further enacted*, That any person who who shall offend against the provisions of this act, shall forfeit and pay, for any one who may sue for the same, the sum of one hundred dollars, to be recovered in the county or superior court in any action of debt.

[Ratified 28th January, 1851.]

CHAPTER CCL.

AN ACT authorizing Theophilus D. Odham to open a passage between Bogue and Bear Inlets, by the way of Inshore creek, in the county of Onslow.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Theophilus D. Odham, of the county of Onslow, is hereby authorized and allowed to open a communication or passage between Bogue and Bear Inlets, by the way of Inshore creek, in the county of Onslow, so as to admit the passage of fish into Bear inlet.

Sec. 2. *Be it further enacted,* That from and after the completion of said improvement by the aforesaid Theophilus D. Odham, the exclusive right of fishing in so much of the aforesaid creek as is included within the boundaries of his own land is hereby secured to him, his heirs and assigns for the term of thirty years.

[Ratified 28th January, 1851.]

CHAPTER CCLI.

AN ACT to incorporate Crane's Creek Burial Ground, in the county of Moore.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Daniel McDonald, Henry Arnold, William Keith and Thomas Matthews, and their successors, be, and they are hereby declared a body corporate and politic, by the name and style of the Trustees of Crane's Creek Burial Ground, in the county of Moore.

Sec. 2. *Be it further enacted*, That the trustees hereby appointed, and their successors, shall have power and authority to accept title for, and hold the land including said burial ground, make rules and regulations for their own government, and supply vacancies as they shall occur.

Sec. 3. *Be it further enacted*, That any person or persons who shall commit any wilful tresspass upon the said burial ground, either by breaking or otherwise injuring the tombstones, graves or enclosures erected or to be erected therein, shall be liable to a penalty of five hundred dollars, to be recovered by the said trustees and their successors to be appointed, in any court having cognizance of the same, and to be applied one half to the use of the county and the other half to the use of the said trustees.

[Ratified 28th January, 1851.]

CHAPTER CCLII.

AN ACT to emancipate Lucy, a slave, and her child Laura.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Lucy and her child Laura, slaves, the property of John Selph of Cumberland county, be, and they are hereby, with the consent, and at the request of the said owner, emancipated and set free, and by the names of Lucy Selph and Laura Selph, shall hereafter possess and exercise all the rights and privileges which are enjoyed by other free persons of color in this State: *Provided, nevertheless*, that before said slaves shall be emancipated, their said master shall give bond and good security to the Governor and his successors in office, in the

county court of Cumberland county, in the sum of five hundred dollars, that the said slaves shall honestly and correctly demean themselves as long as they shall remain in the State; and shall not become a parish charge, which bond may be sued upon, in the name of the Governor for the time being, to the use of the parish and of any person injured by the mal-conduct of said slaves.

[Ratified 22nd January, 1851.]

CHAPTER CCLIII.

AN ACT to authorize Hezekiah Anders, late sheriff of Randolph county, to collect arrears of taxes due him.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Hezekiah Anders, late sheriff of Randolph county, be, and he is hereby authorized and empowered to collect the arrears of taxes due him for the years 1848 to 1850 inclusive, which collection shall be made under the same rules, restrictions and regulations as the collection of taxes by the laws of this State: *Provided,* the authority hereby granted shall not extend to persons who have removed from the county, nor to executors or administrators, nor to any person who will voluntarily swear before any justice of the peace of said county that he or she verily believes that the arrears claimed from him or her have been paid.

Sec. 2. *Be it further enacted,* That the powers herein granted shall cease and determine at the end of the year 1852.

[Ratified 29th January, 1851.]

CHAPTER CCLIV.

AN ACT to exempt persons residing on the Banks and Islands, between Whalebone Inlet and Cape Hatteras, from serving as jurors.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all persons residing on the Banks and Islands, between Whalebone inlet and Cape Hatteras, be, and they are hereby exempt from serving on juries, any law or usage to the contrary notwithstanding.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLV.

AN ACT to prevent the sale of spirituous liquors within a certain distance of the Carolina Female College, in the county of Anson.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all persons are hereby prohibited from selling spirituous liquors within two and a half miles of the Carolina Female College, in the county of Anson, on pain of forfeiting the sum of twenty dollars for each and every violation of this act, recoverable by warrant before any justice of the peace having jurisdiction thereof, one half to the use of the person suing for the same, the other half to the use of the college, to be applied as the trustees thereof may direct.

Sec. 2. *Be it further enacted*, That no license to retail spirituous liquors at the site, or within two and a half miles of said college shall be granted, and if granted, shall be void.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLVI.

AN ACT authorizing Josiah O. Watson, of Johnston county, to construct a dam on Neuse River.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Josiah O. Watson, of Johnston county, is hereby authorized to construct a dam on Neuse River, and that it shall be lawful for the said Josiah O. Watson to erect and fix his dam on said River at the first falls above his landings, which is in or about ten miles above Smithfield, and which is commonly known as Watson's first falls.

Sec. 2. *Be it further enacted*, That the said Watson shall construct the said dam with a slope fifteen feet wide, so as not to obstruct the passage of fish up said river.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLVII.

AN ACT concerning selling of spirituous liquors near Newby's Bridge Academy.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That all persons are hereby prohibited from selling spirituous liquors within two miles of Newby's Bridge Academy, in Perquimons county, to any person or persons whatsoever on pain of forfeiting ten dollars for each and every violation of this act; which penalty shall be recoverable by warrant before any justice of the peace having jurisdiction, by any person suing for the same, to the use of the Newby's Bridge Academy, and applied as the trustees thereof may direct.

[Ratified 28th January, 1851.]

CHAPTER CCLVIII.

AN ACT to prevent the sale of spirituous liquors within a certain distance of Antioch Academy, in the county of Robeson.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That all persons are hereby prohibited from selling spirituous liquors within three miles of Antioch Academy, in the county of Robeson, to any person or persons whatsoever, on pain of forfeiting ten dollars for each and every violation of this act; which penalty shall be recoverable by warrant before any justice of the peace having jurisdiction, by any person suing for the same, to the use of An-

tioch Academy, and applied as the trustees thereof may direct.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLIX.

AN ACT to establish the Rock Spring Camp Ground, in the county of Lincoln, State of North Carolina, and incorporate the trustees thereof.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Thomas Ward, Robert Abernathy, Isaac Lowe, Isaac O. Robinson, Thomas Beaty, James Washington Lowe and Henry Asbury, and their successors be, and they are hereby declared to be a body politic and corporate, to be known and distinguished by the name of the "Trustees of the Rock Spring Camp Ground," situate and lying in Lincoln county, in this State, on the land formerly owned by Joseph M. Monday, and by him conveyed in fee simple to Freeman Shelton, Richard Proctor, James Bivings and their successors in office, by deed, dated 7th August, 1830, and by him signed, sealed and delivered to them, in trust, for the use of the Methodist Church, containing by estimation forty five acres, more or less; and the said trustees shall have succession and a common seal, and be capable in law to sue and be sued, plead and be impleaded in all courts of law and

equity in this State; and they may take, demand, receive and possess all lands and tenements, moneys, goods and chattels, which may be given to them by will or otherwise, for use of said Camp Ground; also to demand, ask and receive any rents or profits arising from said land for the purposes aforesaid.

Sec. 2. *Be it further enacted*, That the said trustees shall have power to grant, bargain and sell, any or all such lands, rents, tenements and hereditaments as aforesaid, to any purchaser, for the purposes of this act; and shall have power to establish such rules and regulations, for the observance of order, decorum, and the removal of all nuisances from said Camp Ground, while occupied for worship and at other times, not inconsistent with the constitution of the land and the laws of this State.

Sec. 3. *Be it further enacted*, That in case of death, resignation or refusal to act, or removal from the State, the remaining trustees shall have power to fill the vacancy: *Provided*, that their number shall not exceed ten, nor less than five trustees.

Sec. 4. *Be it further enacted*, That this act shall go into effect from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLX.

AN ACT to authorize James C. Turrentine, Sheriff of Orange county, and others, to collect arrears of Taxes due them.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That James C. Turrentine, Sheriff of Orange county, be, and he is hereby authorized to collect the arrears of taxes due him from the citizens of Orange and Alamance counties, from the year ——— to the year 1849, both inclusive, which collection shall be made under the same rules, regulations and restrictions as the collection of taxes are by the public laws of the State: *Provided*, that the authority hereby given shall not extend to persons who have removed from said counties, nor to executors or administrators, nor to any who will voluntarily swear before any justice of the peace of either of said counties that he or she verily believes the arrears claimed from him or her have been paid: *Provided further*, that the provisions of this act shall extend to Joseph S. Holt, late Sheriff of Alamance county, allowing him to collect the arrears of taxes due him in said county of Alamance for the years 1848 and '49.

Sec. 2. *Be it further enacted*, That the powers hereby granted shall cease and determine with the year 1852.

[Ratified 29th January, 1851.]

CHAPTER CCLXI.

AN ACT for the relief of Benjamin M. Selby, Sr., late Sheriff of Pitt county.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That

Benjamin M. Selby, Sr., late sheriff of the county of Pitt, be, and he is hereby authorized and empowered to collect all arrears of taxes due him for the years 1846 and 1847, in the same manner and under the same regulations that taxes are collected by sheriffs in office.

[Ratified 27th January, 1851.]

CHAPTER CCLXII.

AN ACT for the relief of Francis J. Prentiss, late sheriff of the county of Craven.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Francis J. Prentiss, late sheriff of the county of Craven, be, and he is hereby authorized and empowered to collect arrears of taxes due him in the year eighteen hundred and forty eight, which collection shall be made under the same rules, regulations and restrictions as the collection of taxes under the laws of the State: *Provided*, that the authority by this act granted shall not extend to persons who have removed from the county, nor to executors or administrators, nor to any person who will voluntarily swear before any justice of the peace of said county, that he or she verily believes that the arrears of taxes claimed from him or her have been paid.

Sec. 2. *Be it further enacted*, That the power and authority hereby granted shall cease and determine with the year 1851.

Sec. 3. *And be it further enacted*, That the benefits of

this act be extended to Calvin J. Rogers, late Sheriff of Wake county, for the collection of taxes for the year 1818–'9.

Sec. 4. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLXIII.

AN ACT to authorize Elijah S. Moore, former Sheriff of Caldwell county, and others, to collect arrears of taxes due them.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Elijah S. Moore, former Sheriff of Caldwell county, be, and he is hereby authorized to collect the arrears of taxes due him from the citizens of Caldwell county, for the year 1845, which collection shall be made under the same rules, regulations and restrictions as the collection of taxes are by the public laws of the State: *Provided*, that authority hereby given shall not extend to persons who have removed from the county, nor to executors or administrators, nor to any person who will voluntarily swear before any Justice of the Peace of said county, that he or she verily believes the arrears claimed from him or her have been paid: *Provided further*, that the provisions of this act shall extend to Alexander Duckworth, sheriff of Burke county, so far as to allow him to collect the arrears of taxes due him from the citizens of Burke county, for the year 1846 and 1847, under the same rules, regulations, restrictions and provisions as herein above mentioned; *and provided further*, that the provisions

of this act shall extend to William A. Ballew, administrator of Washington L. Ballew, late Sheriff of Caldwell county, so far as to allow him to collect the arrears of taxes due the estate of said Washington L. Ballew from the citizens of said county of Caldwell, for the years 1847 and 1848, under the same rules, regulations and provisions as hereinbefore mentioned.

Sec. 2. *Be it further enacted*, That the powers hereby granted shall cease and determine with the year 1852.

[Ratified 28th January, 1851.]

CHAPTER CCLXIV.

AN ACT to authorize the electing of special magistrates for the County of Onslow, &c. &c.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the county court of the county of Onslow, which shall first be holden after the first Monday in February, in the year one thousand eight hundred and fifty one, and every two years thereafter, a majority of the acting Justices being present, to appoint three poll keepers in each captain's district in said county, to hold an election on some day by said court to be appointed, previous to the next term of said court, for the purpose of electing a special magistrate for each captain's district to be elected from among the acting Justices of the Peace for said county. And all persons qualified to vote for members of the House of Commons, shall be entitled to vote in said election, but no

person shall be entitled to vote for a special magistrate of any district, except for the district in which he resides.

Sec. 2. *Be it further enacted*, That the poll keepers aforesaid, shall make returns of the election, specifying the number of votes given to each candidate, to the first session of the county court, which shall be held after said election; and it shall be the duty of said court to declare the persons who received a majority of the votes given in each district duly elected special magistrate for their respective districts, and in case of a tie, said court shall give the casting vote; and the persons so declared to be elected shall, at some time within a month after their election, take an oath before the Clerk of the County or Superior Court of Onslow county, (and they are hereby authorized to administer said oath) faithfully and impartially to perform the duties of special magistrate for —— district; and thereupon they shall be invested with all the powers and duties of special magistrate in their respective districts for the term of two years from the date of their election, and until others duly elected shall qualify, or they be re-elected themselves. Any person elected a special magistrate according to the foregoing provisions, who shall fail to take the oath of office within the time and in the manner above prescribed, shall be subject to a penalty of fifty dollars, to be recovered by warrant before any magistrate of the county aforesaid, one half to the use of the county, and the other half to the use of the person warranting for the same.

Sec. 3. *Be it further enacted*, That if any person duly elected a special magistrate, shall fail to take the oath as above prescribed, or by death, resignation or removal from his district, or in any other way, cause a vacancy in the special magistracy of any district, it shall be the duty of the county court next in session after such vacancy shall occur, to appoint three poll keepers to hold another election for a special magistrate in said district, on some day previous to the next session of said court, and make return to the same

in the manner prescribed in the first section of this act; and the magistrates so elected shall fill out the unexpired term of the one previously elected for his district.

Sec. 4. *Be it further enacted*, That the Justices of the Peace for the county of Onslow shall after the first election for, and qualification of special magistrates in said county, have no jurisdiction either civil or criminal, except as constituting the county court of said county, and except in those districts in which there is no qualified special magistrate; in which case, they shall continue to have both civil and criminal jurisdiction until a special magistrate, duly elected as herein before prescribed, shall qualify.

Sec. 5. *Be it further enacted*, That the special magistrates elected in pursurance of this act, shall possess all the powers and privileges, and be subject to all the duties and liabilities now appertaining to the office of Justice of the Peace, except that they shall not have the right to sit in any county court.

Sec. 6. *Be it further enacted*, That for discharging the duties of their office, the special magistrates aforesaid shall be entitled to charge and receive such fees, and no other, as the county court of Onslow county, a majority of the Justices being present, shall allow; and it shall be the duty of said court at the term to which any return of an election for special magistrates shall be made, to specify what fees and emoluments the magistrates so elected and returned shall be entitled to receive; and said fees so fixed and specified, shall not be liable to be reduced until the next biennial session of the county court, to which returns of elections for special magistrates shall be made; and any restriction which may be made at such term, shall have no retrospective operation, but shall affect only the fees of special magistrates in future. And in every cause tried before a special magistrate of any district, the judgment against the unsuccessful party, shall carry with it all costs, in which shall be included fees of the special magistrate, before whom the cause

was tried, as well as all other fees for process issued, or service rendered in connection with the cause.

Sec. 7. *Be it further enacted*, That it shall be the duty of each special magistrate elected as aforesaid to hold his court on the last Saturday in each month, at some public place within his district, for the purpose of hearing and determining all causes which may come before him for trial.

Sec. 8. *Be it further enacted*, That it shall be the duty of each special magistrate to keep a record of his proceedings, as courts of record in this State are now by law obliged to do, and to return a copy of the same to the office of the clerk of the county court, within fifteen days after the session of such special magistrate's court, to be filed, by the clerk of the county court, among the records of his office, of which it shall constitute a part.

Sec. 9. *Be it further enacted*, That it shall be the duty of the special magistrates of each and every district to take the tax lists of their respective districts; and in taking said lists, they shall be subject to the same rules, regulations, restrictions and penalties as Justices of the Peace now are in taking tax lists; and for the services rendered by the special magistrates aforesaid, in taking such tax lists, they shall receive such compensation as the county court shall deem expedient, a majority of the Justices being present, to be paid out of the county funds, which compensation shall be fixed on at the same term of the court at which the other fees of special magistrates are settled.

Sec 10. Be *it further enacted*, That hereafter the county court of Onslow *county* shall be exempted from the provisions of Revised Statutes, chapter 102, section 23rd, by which it is made the duty of county courts to appoint a Justice of the Peace in each captain's district, to take the list of taxables therein.

[Ratified 28th January, 1851.]

ODD FELLOWS.

CHAPTER CCLXV.

AN ACT to incorporate Mountain Lodge, No. 19, of the Independent Order of Odd Fellows, in the town of Lincolnton.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That William Lander, W. J. Hoke, T. J. Eccles, W. W. Williamson, Alexander Ramsour, A. Motz and William H. Michael are hereby constituted and declared to be a body politic, under the name and style of "Mountain Lodge, No. 19, of the Independent Order of Odd Fellows," to be located in the town of Lincolnton; and by that name and style, shall have succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as they may deem expedient and proper, not inconsistent with the constitution of this State or of the United States.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its passage.

[Ratified 17th January, 1851.]

CAHPTER CCLXVI.

AN ACT to incorporate Buena Vista Lodge, No. 21, I. O. O. F., located in Greensboro'.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the officers, wardens and members, who at present are or in future may be of Buena Vista Lodge, No. 21, located in Greensboro', in the county of Guilford, be, and the same are hereby declared a body corporate and politic, by the name and style of "Buena Vista Lodge, No. 21, I. O. O. F.;" and by that name, shall be able and capable in law to sue and be sued, plead and be impleaded, and acquire and transfer property, and adopt such by-laws and regulations for their own government, as shall not be inconsistent with the constitution of this State or of the United States.

Sec. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 15th January, 1851.]

CHAPTER CCLXVII.

AN ACT to incorporate Muchuena Lodge, No. 20, of the Independent Order of Odd Fellows, in the town of Warrenton.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the officers, wardens and members who are at present or in future may be of Muchuena Lodge, No. 20,

Independent Order of Odd Fellows of the town of Warrenton, in the county of Warren, are hereby constituted and declared to be a body politic and corporate, under the name and style of "Muchuena Lodge, No. 20, Independent Order of Odd Fellows," to be located in the town of Warrenton aforesaid, and by that name may have succession and a common seal, sue and be sued, plead and be impleaded in any court of record, or before any justice of the peace in this State; contract and be contracted with; acquire, hold and dispose of personal property, and also such real estate as may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution and laws of this State or United States.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 15th January, 1851.]

CHAPTER CCLXVIII.

AN ACT to incorporate Samaritan Lodge, No. 31, I. O. O. F., located at Chapel Hill, in the county of Orange.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the officers, wardens and members, who at present are, or in future may be of Samaritan Lodge, No. 31, of the Independent Order of Odd Fellows, located in the town of Chap-

el Hill, Orange county, are hereby constituted and declared a body corporate, by the name and style of "Samaritan Lodge, No. 31, I. O. O. F., to be located in the town of Chapel Hill" aforesaid; and in such name, shall have succession and a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and make all such by-laws and regulations as shall not be inconsistent with the laws and constitution of this State or of the United States: *Provided*, that said corporation shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. Be *it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCLXIX.

AN ACT to incorporate Tuscarora Lodge, No. 22, I. O. O. F., in Kinston, N. C.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the officers, wardens and members who now are, or may hereafter be of Tuscarora Lodge, No. 22, Independent Order of Odd Fellows, in the town of Kinston, in the county of Lenoir, are hereby constituted and declared to be a body politic and corporate, under the name and style of "Tuscarora Lodge, No. 22, of the Independent Order of Odd Fellows," to be located in the town of Kinston, in the county of Lenoir; and by that name, shall have succession and a common seal, and may sue and be sued, plead and be

impleaded, acquire and transfer property, and pass all such by-laws and regulations as they may deem proper, which are not inconsistent with the constitution of the United States, or the laws and constitution of this State: *Provided, nevertheless*, that said corporation shall not hold any more real estate than may be necessary for the convenient transaction of its business.

Sec. 2. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLXX.

AN ACT to incorporate "Talula Encampment," No. 8, of the Independent Order of Odd Fellows, of the town of Elizabeth City, N. C.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the chief patriarch, officers and members that now are or may hereafter be of "Talula Encampment, No. 8," of the Independent Order of Odd Fellows, of Elizabeth City, be, and the same are hereby constituted and declared a body politic and corporate, under the name and style of "Talula Encampment, No. 8, of the Independent Order of Odd Fellows," of the town of Elizabeth City; and by that name, may sue and be sued, plead and be impleaded; shall have perpetual succession and a common seal; and shall have power to acquire and transfer property, and pass all such by-laws and regulations, for their own government, as they may deem expedient and proper not inconsistent with the consti-

tution and the laws of this State or of the United States: *Provided*, that said corporation shall hold no more real estate than is required for the transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification

[Ratified 28th January, 1851.]

CHAPTER CCLXXI.

AN ACT to incorporate Contentnea Lodge, No. —, of the Independent Order of Odd Fellows, in the town of Snow Hill, in the county of Greene.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the officers, wardens and members who at present or in future may be of Contentnea Lodge, No. —, of the Independent Order of Odd Fellows, of the town aforesaid, are hereby constituted and declared to be a body corporate, under the name and title of "Contentnea Lodge, No. —, of the Independent Order of Odd Fellows;" and by that name, shall have succession and a common seal, and may sue and be sued, implead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution of the United States or of this State.

[Ratified 29th January, 1851.]

CHAPTER CCLXXII.

AN ACT to incorporate Yadkin Lodge, No. 30, of the Independent Order of Odd Fellows.

Section 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the officers, wardens and members who at present are or in future may be of the Yadkin Lodge, No. 30, of the Independent Order of Odd Fellows, of the town of Clemonsville, Davidson county, are hereby constituted and declared to be a body corporate, under the name and style of the Yadkin Lodge, No. 30, of the Independent Order of Odd Fellows, to be located in the town of Clemonsville, Davidson county; and by such name, shall have succession, and a common seal, and may sued and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution of this State and of the United States.

[Ratified 25th January, 1851.]

CHAPTER CCLXXIII.

AN ACT to incorporate Esperanza Lodge, No. 28, of the Independent Order of Odd Fellows, in the town of Plymouth.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the officers, wardens and members who are at present or in future may be of Esperanza Lodge, No. 28, of the Independent Order of Odd Fellows, in the town of Plymouth aforesaid,

be, and they are hereby constituted and declared to be a body politic and corporate, under the name and style of "Esperanza Lodge, No. 28, of the Independent Order of Odd Fellows;" and by that name, shall have succession and a common seal; and may sue and besued, plead and be impleaded, acquire and transfer property both real and personal, and pass all such by-laws and regulations as they may deem expedient and proper, not inconsistent with the constitution of the United States, or the laws and constitution of this State: *Provided, nevertheless*, that said corporation shall not hold any more real estate than is required for the convenient transaction of business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January 1851.]

CHAPTER CCLXXIV.

AN ACT to incorporate "Falling Creek Lodge, No. 29, I. O. O. F.," located at Rockingham, in the county of Richmond.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same.* That the officers, wardens and members who at present are or in future may be of Falling Creek Lodge, No. 29, of the Independent Order of Odd Fellows, located in the town of Rockingham, Richmond county, are hereby constituted and declared a body corporate, by the name and style of Falling Creek Lodge, No. 29, I. O. O. F., to be located in the town of Rockingham aforesaid; and in such name, shall have succession and a common seal, and may sue

and be sued, plead and be impleaded, acquire and transfer property, and make all such by-laws and regulations as shall not be inconsistent with the constitution of this State or of the United States.

Sec. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 15th January, 1851.]

CHAPTER CCLXXV.

AN ACT to incorporate the "Oriental Lodge, No. 24, of the Independent Order of Odd Fellows," at Colerain, Bertie county, N. C.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted, by the authority of the same*, That the officers and members now are or hereafter may be of "Oriental Lodge, No. 24, of the Independent Order of Odd Fellows," at Colerain, Bertie county, N. C., be, and they are hereby constituted a body politic and corporate, under the name and style of "Oriental Lodge, No. 24, of the Independent Order of Odd Fellows;" and by this name, may sue and be sued, plead and be impleaded, acquire and transfer property, shall have a succession and a common seal, and shall have power and authority to pass all such rules and by-laws as they may deem necessary and proper for the government of said Lodge, not inconsistent with the constitution of the United States or of this State.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th December, 1850.]

STEAM BOATS.

CHAPTER CCLXXVI.

AN ACT to incorporate the Cape Fear and Deep River Steam Boat Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That John Banks, David Banks, James Banks, A. J. DeRossett Jr., Z. Latimer, and such persons as are now associated with them, or as hereafter may be associated with them, their successors and assigns, shall be and are hereby created, constituted and declared a body corporate and politic, by the name of "The Cape Fear and Deep River Steam Boat Company," and by that name they and their successors may and shall have perpetual succession and a cemmon seal, and shall be capable of suing and being sued, pleading and being impleaded in all courts whatsoever; and may hold, possess, acquire and enjoy real and personal estate.

Sec. 2. *Be it further enacted*, That the capital stock of the said company shall consist of ten thousand dollars, with privileges to increase to fifty thousand dollars, divided into shares of one hundred dollars each.

Sec. 3. *Be it further enacted*, That the said company, may own, use and employ one or more Steam Boats, with their necessary tow boats, on the Cape Fear or Deep Rivers.

Sec. 4. *Be it further enacted*, That said company shall have power and authority to make rules and by-laws for its

good government; to provide for the appointment of its officers, the mode of transfer and representation of its stock, and all other matters necessary for the conduct of their business.

Sec. 5. Be *it further enacted*, That this act shall be in force from and after the ratification thereof.

[Ratified 29th January, 1851.]

CHAPTER CCLXXVII.

AN ACT to incorporate the Roanoke and Chowan Steam Boat Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Samuel Kissam, John M. C. Boyle, Charles Latham, Thomas B. Nicholls and Edgar Hawks and ——— ———, and such persons as are now associated with them, or as hereafter may be associated with them, their successors and assigns, shall be, and are hereby created, constituted and declared a body corporate and politic, by the name of the "Roanoke and Chowan Steam Boat Company;" and by that name, they and their successors may and shall have perpetual succession and a common seal, and shall be capable of suing and being sued, pleading and being impleaded, in all places and courts whatever; and may hold, possess, acquire, enjoy and transfer real and personal estate.

Sec. 2. *Be it further enacted*, That the capital stock of the said company shall consist of twenty thousand dollars, with the privilege of increasing the same to thirty thousand dollars, divided into shares of one hundred dollars each.

Sec. 3. Be *it further enacted*, That it shall be lawful at any time after the first of February, 1851, to open books in the town of Plymouth, under the direction and management of Charles Latham, Franklin F. Fagan; and in the town of Washington, under the direction and management of Benjamin F. Hawks and John Myers; and in the town of New Berne, under the direction and management of William P. Moore and William G. Bryan; and in the town of Beaufort, under the direction and management of Isaac Ramsey and Francis King; and in the town of Williamston, under the direction and management of Asa Biggs and D. W. Bagley; and in the town of Windsor, under the direction and management of Lorenzo S. Webb and John R. Gilliam; and in the town of Edenton, under the direction and management of John Cox and John M. Jones; and in the town of Columbia, under the direction and management of Joseph Halsey and James F. Davenport, for the purpose of receiving subscriptions to the amount aforementioned; when ten thousand dollars shall have been subscribed, the said managers or any five of them shall call a general meeting of the subscribers at Plymouth, by giving ten days notice by advertisement in one or more newspapers.

Sec. 4. Be *it further enacted*, That said company shall have one or more Steam Boats, for the purpose of conveying passengers and freight to and from Plymouth.

Sec. 5. Be *it further enacted*, That said company shall have power and authority to make laws and by-laws for its good government, to provide for the appointment of its officers, the mode of transfer and representation of its stock, and all other matters necessary for the conduct of its business, and do such other things as shall not be inconsistent with the constitution and laws of this State or of the United States.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLXXVIII.

AN ACT to incorporate the Dibble Steam Boat Company.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That C. B. Dibble, James H. Dibble, John Dibble, and such other persons as are now associated with them, or as hereafter may be associated with them, their successors and assigns, shall be, and are hereby created, constituted and declared a body corporate and politic, by the name of the "Dibble Steam Boat Company;" and by that name, they and their successors may and shall have perpetual succession and a common seal; and shall be capable of suing and being sued, pleading and being impleaded, in all places and courts whatever; and may hold, possess, acquire and enjoy real and personal estate.

Sec. 2. *Be it further enacted*, That the capital stock of said company shall consist of fifteen thousand dollars, with privilege to increase to thirty thousand dollars, divided into shares of one hundred dollars each.

Sec. 3. *Be it further enacted*, That the said company shall and may, in addition to the boats now employed, build such other boats as the wants of the company may require from time to time.

Sec. 4. *Be it further enacted*, That said company shall have power and authority to make such rules and by-laws for

its good government, not inconsistent with the constitution of this State or of the United States; to provide for the appointment of its officers, the mode and transfer and representation of its stock, and all other matters necessary for the conduct of its business.

Sec. 5. Be *it further enacted*, That this act shall be in force from and after the ratification thereof.

[Ratified 28th January, 1851.]

TEMPERANCE.

CHAPTER CCLXXIX.

AN ACT to incorporate Lafayette Division, No. 2, of the Sons of Temperance.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the persons who now are, and who hereafter shall be officers and members of the Division of the Sons of Temperance in the town of Fayetteville, known as "Lafayette Division, No. 2," be, and they are hereby incorporated into a body politic and corporate, under and by the name of "Lafayette Division, No. 2," Sons of Temperance; and by that name, shall have succession and a common seal, and may sue and be sued, plead and be impleaded, in any court of record or before any justice of the peace in this State; contract and be contracted with; acquire, hold and dispose of

both real and personal property for the use and benefit of said division; and pass all necessary by-laws, rules and regulations for its own government, not inconsistent with the constitution and laws of this State or of the United States: *Provided, nevertheless*, that said corporation shall not hold any more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 15th January, 1851.]

CHAPTER CCLXXX.

AN ACT to incorporate the Montgomery Division, No. 97, of the Sons of Temperance, in the county of Montgomery.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the the same*, That the Worthy Patriarch, Worthy Associate, and all the other officers of Montgomery Division, No. 97, Sons of Temperance, in the county of Montgomery, and their successors in office, be, and are hereby declared to be, a body politic and corporate, and may sue and be sued, plead and be impleaded in any of the courts of this State; and may have and use a common seal, to be changed at their pleasure.

Sec. 2. Be *it further enacted*, That said body, politic and corporate, may have and hold such property, both real and personal as may be necessary for the use and convenience of said Division.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 24th January, 1851.]

CHAPTER CCLXXXI.

AN ACT to incorporate Lumberton Division, No. 44, of the Sons of Temperance.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the officers and members who now are, or in future may be, of Lumberton Division, No. 44, of the Sons of Temperance, in the town of Lumberton, Robeson county, be, and are hereby constituted a body politic and corporate, under the name and style of "Lumberton Division, No. 44, of the Sons of Temperance," and by such name shall have succession and a common seal, and may sue and be sued, plead and be impleaded; may acquire and transfer both real and personal property for the use and benefit of the Division; and pass all such by-laws and regulations as shall not be inconsistent with the constitution of this State and of the United States.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCLXXXII.

AN ACT to incorporate Washington Division, No, 27, of the Sons of Temperance.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Worthy Patriarch, Worthy Associate, Recording Scribe, Financial Scribe, Treasurer, and other officers of the Division of the Sons of Temperance, in the town of Louisburg, and in the county of Franklin, known as "Washington Division, No. 27," and their successors in office, be, and they are hereby incorporated into a body politic and corporate, under and by the name and style of "Washington Division, No. 27, of the Sons of Temperance;" and by that name may have succession and a common seal, sue and be sued, plead and be impleaded, in any court of record, or before any justice of the peace in this State; contract and be contracted with; acquire, hold and dispose of personal property for the benefit of said Division, and also such real estate as may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted,* That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution and laws of this State or of the United States.

Sec. 3. *Be it further enacted,* That this act shall be in force and take effect from and after the ratification thereof.

[Ratified 27th January, 1851.]

CHAPTER CCLXXXIII.

AN ACT to incorporate the Cedar Hill Division, No. 16, of the Sons of Temperance.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the officers and members who now are, and hereafter may be of the Cedar Hill Division, of the Sons of Temperance, in the county of Anson, be, and they are hereby constituted a body politic and corporate, under the name and style of "Cedar Hill Division, No. 16, of the Sons of Temperance," in the county of Anson; and by that name, may sue and be sued, plead and be impleaded, acquire and transfer property; shall have succession and a common seal; and shall have power to pass all such rules and by-laws as they may deem necessary and proper, for the government of said Division, which are not inconsistent with the constitution of this State or of the United States: *Provided,* that said corporation shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCLXXXIV.

AN ACT to incorporate Sileco Division, No. 131, of the Sons of Temperance.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Worthy Patriarch, Worthy Associate, Treasurer, Record-

ing Scribe and other officers of the Sons of Temperance in the town of Hendersonville, county of Henderson, known as Sileco Division, No. 131, and their successors in office, be, and they are hereby incorporated into a body politic and corporate, under and by the name and style of "Sileco Division, No. 131, of the Sons of Temperance;" and by that name, may sue and be sued, plead and be impleaded, in any court of record, or before any justice of the Peace in this State; contract and be contracted with; acquire, hold and dispose of both real and personal property for the use and benefit of the said Division: *Provided*, that said corporation shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations, for its own government, not inconsistent with the laws of the State, the United States, or the constitution of either of them.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCLXXXV.

AN ACT to incorporate the Pasquotank Division, No. 21, of the Sons of Temperance, of Elizabeth City, Pasquotank county.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Worthy Patriarch, officers and members that now are,

and hereafter may be of Pasquotank Division, No. 21, of the Sons of Temperance, of the town of Elizabeth City, Pasquotank county, be, and they are hereby constituted and declared to be a body politic and corporate, under the name and style of "Pasquotank Division, No. 21, of the Sons of Temperance:" and by such name and title, shall have perpetual succession and a common seal; may sue and be sued, plead and be impleaded; acquire and transfer both real and personal property for the use of said Division; and shall have power to pass all such rules and by-laws as they may deem necessary for their own government, and as are not inconsistent with the constitution and the laws of this State or of the United States: *Provided*, that said corporation shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCLXXXVI.

AN ACT to incorporate Asheville Division, No. 15, of the Sons of Temperance.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Worthy Patriarch, Worthy Associate, Treasurer, Worthy Recording Scribe and other officers of the Division of the Sons of Temperance, in the town of Asheville, known as the "Asheville Division, No. 15," and their successors in office, be, and they are hereby incorporated

into a body politic and corporate, under and by the name and style of "Asheville Division, No. 15, of the Sons of Temperance;" and by that name, may sue and be sued, plead and be impleaded, in any court of record, or before any justice of the peace in this State; contract and be contracted with; acquire, hold and dispose of property, real and personal, for the use and benefit of said Division.

Sec. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, not inconsistent with the constitution and laws of the State or of the United States.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLXXXVII.

AN ACT to incorporate the "Rising Sun" Division, No. 144, Sons of Temperance, in the town of Edenton.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Worthy Patriarch, officers and members that now are, and hereafter may be of "Rising Sun" Division, No. 144, of the Sons of Temperance, of the town of Edenton, be, and they are hereby constituted and declared to be a body politic and corporate, under the name and style of "Rising Sun Division, No. 144, of the Sons of Temperance;" and by such name and title, shall have perpetual suc-

cession and a common seal; may sue and be sued, plead and be impleaded, acquire and transfer both real and personal property for the use of said Division; and shall have power to pass all such rules and by-laws as they deem necessary for their own government, and as are not inconsistent with the laws and constitution of this State or of the United States: *Provided*, said corporation shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLXXXVIII.

AN ACT to incorporate Oxford Division, No. 41, Sons of Temperance.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the officers and members who at present or in future may belong to the Oxford Division, No. 41, Sons of Temperance, in the county of Granville, are hereby constituted and declared to be a body corporate, under the name and title of Oxford Division, No. 41, Sons of Temperance; and by such name, shall have succession and a common seal, and may sue and be sued, implead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this State or of the United States: *Provided*, that

said corporation shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall take effect from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCLXXXIX.

AN ACT to incorporate Florence Division, No. 13, of the Sons of Temperance, in the county of Guilford.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the Worthy Patriarch, Chaplain and members which at present are, or in future may be of Florence Division, No. 13, of the Sons of Temperance, in the county of Guilford, are hereby constituted and declared to be a body corporate, under the name and style of "Florence Division;" and by such name shall have perpetual succession and a common seal, may sue and be sued, plead and be impleaded, acquire and transfer all property necessary to the conducting of their legitimate business, and pass all such by-laws and regulations as shall not be inconsistent with the constitution and laws of this State or of the United States.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXC.

AN ACT to incorporate "Hanover Division, No. 45, Sons of Temperance," in the town of Wilmington.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the officers and members who at present are, or in future may be of "Hanover Division," of the Sons of Temperance, in the town of Wilmington, are hereby constituted and declared to be a body corporate, under the name and style of the "Hanover Division, No. 45, of the Sons of Temperance," to be located in the town of Wilmington, county of New Hanover; and by such name, shall have succession and a common seal, sue and be sued, implead and be impleaded; acquire, hold and transfer property, and pass all such by-laws and regulations as they may deem proper, not inconsistent with the constitution of the State or the United States: *Provided, nevertheless*, that said corporation shall not hold any more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXCI.

AN ACT to incorporate "Old North State Tent, No. 97, Independent Order of Rechabites."

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That

the officers and members who at present are, or in future may be of the "Old North State Tent, of the Independent Order of Rechabites," of the town of Wilmington, are hereby constituted and declared to be a body politic under the name and style of the "North Sate Tent, No. 97, Independent Order of Rechabites," to be located in the town of Wilmington, county of New Hanover; and by such name, shall have succession and a common seal, sue and be sued, implead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as they may deem proper, not inconsistent with the constitution of the State or of the United States: *Provided*, that said corporation shall hold no more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXCII.

AN ACT to incorporate Cape Fear Division, No. 8, of the Sons of Temperance, in the town of Elizabeth.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the officers who now are, or who hereafter may be of Cape Fear Division, No. 8, of the Sons of Temperance, be, and the same are hereby constituted and declared a body politic and corporate, under the name and style of "Cape Fe r Division No. 8, of the Sons of Temperance," of the town of Elizabeth; and by that name, may sue and be sued,

plead and be impleaded, and shall have succession and a common seal, and shall have power to acquire and transfer property, and pass all such rules, by-laws and regulations for their own government, as they may deem expedient and proper, not inconsistent with the constitution and laws of this State or of the United States: *Provided, nevertheless,* that said corporation shall not hold any more real estate than may be required for the transaction of its business.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXCIII.

AN ACT to incorporate Greensborough Division, No. 6, Sons of Temperance, located at Greensborough.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the officers and members who at present are, or in future may be of Greensborough division, No. 6, Sons of Temperance, located in Greensborough, be, and the same are hereby incorporated and declared a body politic and corporate, by the name and style of "Greensborough Division, No. 6;" and by that name and style shall have succession and a common seal, and shall be able and capable in law to sue and be sued, plead and be impleaded, acquire and transfer property, and make all such by-laws, rules and regulations, for their own government, as shall not be inconsistent with the laws and constitution of this State and of the United States.

Sec. 2. *Be it further enacted,* That this act shall take effect and be in force from after its ratification.

[Ratified 15th January, 1851.]

CHAPTER CCXCIV.

AN ACT to incorporate "Theophilus Division, No. 57, of the Order of the Sons of Temperance," in the town of Murfreesboro.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the officers and members who now are, and hereafter may be of "Theophilus Division, No. 57, of the Order of the Sons of Temperance," in the town of Murfreesboro', county of Hertford, be, and they are hereby constituted a body politic and corporate, under the name and style of "Theophilus Division, No. 57, of the Sons of Temperance," in the town of Murfreesboro'; and by that name may sue and be sued, plead and be impleaded, acquire and transfer property; shall have succession and a common seal, and shall have power to make all such rules and by-laws as they may deem necessary and proper, for the government of said Division, which are not inconsistent with the constitution and laws of this State and the United States: *Provided, nevertheless,* that said corporation shall not hold any more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCXCV.

AN ACT to incorporate Cold Stream Division, No. 30, of the Sons of Temperance.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Worthy Patriarch, Worthy Associate, Recording Scribe, Financial Scribe, Treasurer, and other officers of the Division of the Sons of Temperance, in the town of Warrenton, and the county of Warren, known as "Cold Stream Division, No. 30," and their successors in office, be, and they are hereby incorporated into a body politic and corporate, under and by the name and style of "Cold Stream Division, No. 30," of the Sons of Temperance; and by that name may have succession and a common seal, sue and be sued, plead and be impleaded, in any court of record, or before any justice of the peace in this State; contract and be contracted with; acquire, hold and dispose of personal property for the benefit of said Division, and also such real estate as may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, which may not be inconsistent with the constitution and laws of this State or the United States.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCXCVI.

AN ACT to incorporate the Sons of Temperance of the Division No. 50, in the town of Rutherfordton, Rutherford county, North Carolina.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the officers and members who at present are, or in future may be of the Sons of Temperance, in the town of Rutherfordton, Rutherford county aforesaid, are hereby constituted and declared to be a body corporate, under the name and style of the Sons of Temperance, No. 50, to be located in the town of Rutherfordton, Rutherford county; and by such name, shall have succession and a common seal, and may sue and be sued, implead and be impleaded, acquire and transfer property, and pass such by-laws and regulations, as shall not be inconsistent with the constitution of the State or the United States: *Provided, nevertheless*, that the said corporation shall not hold any more real estate than may be required for the convenient transaction of its business.

[Ratified 28th January, 1851.]

CHAPTER CCXCVII.

AN ACT to incorporate Macon Division, No. 46, Sons of Temperance of North-Carolina.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Worthy Patriarch, Worthy Associate, Recording Scribe, Financial Scribe, Treasurer and other officers who now are, or

hereafter may be of Macon Division, No. 46, Sons of Temperance of North-Carolina, located at Franklin, in the county of Macon, be, and the same is hereby declared a body politic and corporate, by the name and style of "Macon Division, No. 46, Sons of Temperance of North-Carolina;" and by that name and style, shall be able and capable in law to sue and be sued, plead and be impleaded, acquire and transfer property, and adopt such by-laws for their own government, as shall not be inconsistent with the constitution and laws of this State or of the United States: *Provided*, that said corporation shall hold no more real estate than may be necessary for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCXCVIII.

AN ACT to incorporate Independent Division, No 31, of the Sons of Temperance.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Worthy Patriarch, Worthy Associate, Treasurer and Recording Scribe, and other officers of the Division of the Sons of Temperance, in the town of Fayetteville, known as "Independent Division, No. 31," and their successors in office, be, and they are hereby incorporated into a body politic and corporate, under the name and style of "Independent Division, No. 31, of the Sons of Temperance;" and by that name may sue and be

sued, plead and be impleaded, in any court of record, or before any justice of the peace in this State: contract and be contracted with; acquire, hold and dispose of both real and personal property for the use and benefit of said division: *Provided, nevertheless,* that said corporation shall not hold any real estate that may not be required for the convenient transaction of its business.

Sec. 2. *And be it further enacted,* That the said corporation shall have power to pass all necessary by-laws and regulations, for its own government, not inconsistent with the laws of the State, the United States or the constitution of either.

Sec. 3. *And be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCXCIX.

AN ACT to incorporate Ocean Wave Division, No. 60, of the Sons of Temperance.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the Worthy Patriarch, Worthy Associate, Recording Scribe, Treasurer, and other officers of the Division of the Sons of Temperance, in the town of Washington, Beaufort county, known as "Ocean Wave Division, No. 60," and their successars in office, be, and they are hereby incorporated a body politic and corporate, under and by the name and style of "Ocean Wave Division, No. 60, of the Sons of Temperance;" and by that name, may sue and be sued, plead and

be impleaded in any court of record, or before any justice of the peace in this State; contract and be contracted with; acquire, hold and dispose of both real and personal property for the use of said Division: *Provided*, that said corporation shall not hold any more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by laws and regulations, for its own government, not inconsistent with the constitution and laws of the State or of the United States.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 15th January, 1851.]

CHAPTER CCC.

AN ACT to incorporate Marrattock Division, No. 88, of the Sons of Temperance.

Sec. I. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the Worthy Patriarch, Worthy Associate, Treasurer and Recording Scribe, and the other officers of the Division of the Sons of Temperance, in the town of Plymouth, known as Marrattock Division, No. 88, and their successors in office, be, and they are hereby incorporated into a body politic and corporate, under and by the name and style of "Marrattock Division, No. 88, of the Sons of Temperance;" and by that name may sue and be sued, plead and be impleaded, in any court of record, or before any justice of the peace in this State; contract and be contracted with; acquire, hold

and dispose of both real and personal property for the use and benefit of said division; and have a common seal: *Provided, nevertheless*, that said corporation shall not hold any more real estate than may be required for the convenient transaction of its business.

Sec. 2. *Be it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations, for its own government, not inconsistent with the laws of the State, the United States or the constitution of either of them.

Sec. 3. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCCI.

AN ACT to incorporate the Grand Division of the Sons of Temperance of the State of North Carolina.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the present officers of the Grand Division of the Sons of Temperance of the State of North Carolina, and their successors in office, be, and are hereby incorporated into a body politic and corporate, under and by the name and style of "The Grand Division of the Sons of Temperance of the State of North Carolina;" and by that name, may sue and be sued, plead and be impleaded, in any court of record, or before any justice of the peace in this State; contract and be contracted with; acquire, hold and dispose of both real and

personal property, for the use and benefit of the said Grand Division.

Sec. 2. Be *it further enacted*, That the said corporation shall have power to pass all necessary by-laws and regulations for its own government, not inconsistent with the laws of the State or of the United States, or the constitution of either of them.

Sec. 3. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 17th January, 1851.]

CHAPTER CCCII.

AN ACT to incorporate Cool Spring Tent, No. 263, of Independent Order of Rechabites, in the town of Fayetteville.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the officers, wardens and members, who at present are, or in future may be of Cool Spring Tent, No. 263, Independent Order of Rechabites, of the town of Fayetteville, are hereby constituted and declared to be a body corporate, under the name and style of Cool Spring Tent, No. 263, Independent Order of Rechabites, to be located in the town of Fayetteville; and by such name, shall have a common seal, and may sue and be sued, plead and be impleaded, acquire and transfer property, and pass all such by-laws and regulations as shall not be inconsistent with the constitution of this State or of the United States; *Provided, nevertheless*, that the said corporation shall hold no more real

estate than may be required for the convenient transaction of its business.

[Ratified 29th January, 1851.]

CHAPTER CCCIII.

AN ACT to incorporate "Rockingham Division, No. 32, Sons of Temperance," located at Rockingham, in the county of Richmond.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the officers and members, who at present are or in future may be of Rockingham Division, No. 32, Sons of Temperance, located at Rockingham, in the county of Richmond, be, and the same are hereby declared a body politic and corporate, by the name and style of "Rockingham Division, No. 32, Sons of Temperance;" and by that name, shall be able and capable in law to sue and be sued, plead and be impleaded, acquire and transfer property, and adopt such by-laws for their own government, as shall not be inconsistent with the constitution and laws of this State or of the United States.

Sec. 2. *And be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 17th January, 1851.]

TOLL BRIDGES.

CHAPTER CCCIV.

AN ACT to authorize the building of a Toll Bridge over Dan River, in Caswell county, near Milton, and to incorporate a company for that purpose.

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Samuel Watkins, Willie Jones, John Wilson, William L. Stamps and Nicholas M. Lewis, or any three of them, are and they are hereby appointed commissioners for receiving subscriptions to the amount of twelve thousand dollars ($12,000,) for the purpose of building a bridge over Dan River, in Caswell county, near Milton, at the place heretofore designated by persons appointed for that purpose: And the said commissioners, or a majority of them, shall prepare books and cause the same to be opened at such places, and under the direction of themselves, or such persons as they may appoint, on or before the first day of February next, and they shall continue open until the first day of April next, unless the said capital sum shall be subscribed before that time; at which time the said books shall be returned to the commissioners aforesaid, in the town of Milton, and at the same time there shall be a general meeting of the said subscribers personally or by proxy, which meeting may be continued from day to day until the business thereof be finished; and if it shall appear that four thousand dollars or more of the capital stock has been subscribed, the said subscribers, from the time of their first meeting, shall be, and

they are hereby declared to be incorporated into a company, by and under the name and style of "the Milton Toll Bridge Company," and may sue and be sued as such, plead and be impleaded, defend and be defended, and have perpetual succession and a common seal; and such of the said subscribers as may be present at the said meeting, or a majority of them, are hereby empowered and directed to elect a president and four directors for conducting the business and concerns of the said company for one year and until the next meeting of the stockholders. Every proprietor of stock, by writing under his or her hand, attested by some justice of the peace, may depute any other stockholder to vote for him or her at any general meeting, and the votes and acts of such proxy shall be as effectual, to all intents and purposes, as if the proprietor him or herself was personally present at the meeting thereof.

Sec. 2. *And be it further enacted*, That if the aforesaid sum of twelve thousand dollars shall not be subscribed for on or before the said first day of April next, the said commissioners, if directed by a majority of the subscribers at their general meeting, shall again open books of subscription, and keep the same open until the first day of July thereafter or until the aforesaid sum of twelve thousand dollars shall be subscribed as aforesaid; and if more than the said capital stock truly authorized shall be subscribed, the commissioners shall strike off from the subscription until the capital shall be reduced to twelve thousand dollars; and in striking off subscriptions, they shall begin and strike off one share from the largest subscriptions in the first instance, and continue to strike off one share from all the subscriptions under the largest and above one share, until the same shall be reduced to the capital aforesaid.

Sec. 3. *And be it further enacted*, That the capital sum aforesaid shall be divided into shares of fifty dollars each, and any person may subscribe for one or more shares.

but not for a part of a share. The shares shall be paid for at such time and places, and by such instalments as the president and directors of said company shall direct, they first advertising the sum to be paid on each, in the Milton Chronicle, at least twenty days previous to the time required for the payment of such instalments; and if any person or persons holding any share or shares in said company shall fail to pay the same in the manner and at the time prescribed by the president and directors aforesaid, the said president and directors may enforce the collection thereof by legal process, or they may expose to public sale the share or shares which such persons may hold in the said company, by giving ten days public notice thereof, and if said shares shall not sell for a sum sufficient to pay the instalments due thereon, the sum deficient may be recovered of the person or persons who owned the said stock, and the books of the said company, shall be good evidence of such sale and of the purchase of said shares.

Sec. 4. *And be it further enacted*, That the said president and directors shall have power to build a gate or gates on the said bridge to be erected as aforesaid, and to ask, demand and receive from persons passing over the said bridge the following tolls, viz: for four wheel carriages of pleasure, seventy five cents; for wagons, sixty cents; for two wheel carriages of pleasure, twenty cents; for carts, twenty five cents; for man and horse, ten cents; for a single horse, five cents; for cattle per head, three cents; for hogs and sheep, three cents; and for foot passengers, five cents.

Sec. 5. *And be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCV.

AN ACT to incorporate a company in the county of Buncombe, to be called "the New Bridge Company."

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Wilie Jones, Charles Moore and James Lowry, are hereby appointed commissioners to open books to receive subscriptions of stock, to an amount which they may deem sufficient, for the purpose of building a new bridge on French Broad River, near the mouth of Hominy Creek, in Buncombe county, and are hereby constituted a body politic and corporate, in the name of The Commissioners of the New Bridge, and in such name shall have succession for thirty years, and may sue and be sued, and exercise all other powers necessary for carrying out the purposes of this act.

Sec. 2. *Be it further enacted*, That all subscriptions of stock in said company shall be in shares of five dollars, to be paid by the subscribers to the person or persons authorized to receive such subscriptions, whenever the said commissioners shall have completed a good and sufficient bridge at the place aforesaid; and should any subscriber in said company fail or refuse to pay the amount by him subscribed as aforesaid, he shall be liable to an action of debt before any justice of the peace for the county of Buncombe, or before any other tribunal having jurisdiction thereof.

Sec. 3. *Be it further enacted*, That said commissioners and their successors in office shall have the sole and exclusive control and management of the said New Bridge for thirty years and no longer, and may keep up said bridge so long as they keep a gate on it, and collect the tolls hereinafter provided for: *Provided, neverthless*, that if at any time James M. Smith or any one owning or keeping the bridge now owned by him should reduce the tolls on said

bridge or make any contract by which to change the mode of charging persons or property passing his bridge, it shall be lawful for the company hereby created to make like reductions or changes in the mode of charging or collecting on their bridge.

Sec. 4. *Be it further enacted*, That the said commissioners shall be authorized to collect from persons and property crossing said bridge not exceeding the following tolls, viz: on wagons drawn by five or six horses, sixty cents, if loaded, and on the same without load, fifty cents; on four horse wagons with load, fifty cents, and without load, forty cents; on two horse wagons with load, thirty cents, and without load, twenty five cents; on one horse wagons, carts, gigs, sulkies and one horse buggies, twenty five cents each; on four wheeled pleasure carriages, fifty cents; on sleds and truckles, ten cents each; for man and horse, five cents; on loose horses and mules, three cents each; on cattle, two cents each; and on sheep and hogs, one cent each: *Provided*, that no citizen who subscribes towards the building of said New Bridge and shall pay the amount by him subscribed shall be liable to pay said tolls.

Sec. 5. *Be it further enacted*, That said commissioners shall use so much of the money collected at said gate as may be necessary to repair and keep up the bridge and pay the expenses of collecting tolls thereon, and what remains over and above the amount required for the purposes aforesaid, shall be divided among the individual subscribers in proportion to the amount subscribed by them respectfully.

Sec. 6. Be *it further enacted*, That the individual subscribers shall have power to choose annually not less than three, or more than five of their number commissioners; and in the election of said commissioners, each subscriber shall be entitled to one vote for every five dollars of stock which he may have subscribed.

Sec. 7. *Be it further enacted*, That said commissioners shall appoint such officers as they may find necessary or con-

venient for managing the business of this corporation; and such officers so appointed, upon the recommendation of a majority of the commissioners to the annual meeting of the subscribers, shall receive a compensation to be judged of by a majority of the subscribers, and to be paid out of any money not necessary for keeping up and repairing said bridge: said commissioners shall also have power to fill any vacancy or vacancies which may happen in their body.

Sec. 8. *Be it further enacted*, That said company shall have power to make by-laws and regulations for their own government, not inconsistent with the constitution and laws of this State and the United States.

Sec. 9. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCVI.

AN ACT to authorize James S. Turner to build a Toll Bridge across Rockey River, on his own lands, in Stanly and Anson counties, at or near said Turner's Mills.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That James S. Turner, or he and such other persons as he may see fit to associate with him, are hereby authorized to build and construct a bridge over and across Rocky River, at or near his mills, said river being the county line between Stanly and Anson counties: *Provided, however*, that such bridge shall not stop the ford at said mills or in any way prevent persons from crossing the same as they now do.

Sec. 2. *Be it further enacted*, That it shall be lawful for the said James S. Turner, or for him and his associates and assigns, to charge and receive tolls for crossing said bridge at the following rates: for a wagon with four wheels, drawn by five or more horses, mules or oxen, sixty cents; wagon, with four wheels, drawn by four horses, mules or oxen, fifty cents; with four wheels drawn by three horses, mules or oxen, thirty seven and a half cents; wagon with four wheels, drawn by two horses, mules or oxen, twenty five cents; wagon with four wheels or cart drawn by one horse mule or oxen, twenty five cents; all four wheeled pleasure carriages, drawn by two horses or mules, fifty cents; all buggies and other pleasure carriages with four wheels, and drawn by one horse or mule, thirty seven and a half cents; all sulkies, gigs and carriages for pleasure, with two wheels, drawn by one horse or mule, twenty five cents; horse and man, ten cents; man on foot, five cents; and all cattle and horses, per head, three cents; all hogs, two cents per head: *Provided*, that the provisions of this act shall not extend to the horses and cattle of the neighbourhood running at large for pasture.

Sec. 3. *Be it further enacted*, That when the said bridge shall be built, the proprietor or proprietors thereof, or their assigns for the time being, shall keep the said bridge in good and sufficient repair, under the same rules, regulations and restrictions prescribed by the laws of the State for keeping other public bridges, so long as the same shall be kept up as a toll bridge.

Sec. 4. *Be it further enacted*, That the bridge hereby authorized to be built shall be completed for the passage of carriages by the expiration of the year 1853, or the privileges hereby granted shall cease and determine.

Sec. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCCVII.

AN ACT to incorporate "The Cape Fear Bridge Company."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That Robert Strange, Joel Williams, John Waddell, James W. Strange, Neill McDougald, Duncan G. McRae, Thomas S. Lutterloh and their associates, and such other persons as they may associate with them, are hereby declared to be incorporated into a company, to be known as the "Cape Fear Bridge Company;" and by that name, shall sue and be sued, plead and be impleaded, and have a common seal, which they may make, alter and renew at pleasure: the said corporation shall hold and possess real and personal estate, and may exercise all the powers, rights and privileges of other corporate bodies.

Sec. 2. *Be it further enacted*, That the said Cape Fear Bridge Company shall have power and authority to build and construct a bridge across the Cape Fear River, at a point to be by them selected above the town of Fayetteville, and, when completed, shall charge, demand and receive such toll as the said company may prescribe, from all persons using said bridge, not to exceed the rates now charged by the Clarendon Bridge company.

Sec. 3. *Be it further enacted*, That the capital of said Cape Fear Bridge Company shall not exceed twenty thousand dollars, divided into shares of twenty-five dollars each.

Sec. 4. *Be it further enacted*, That this act shall be in force for twenty years from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCCVIII.

AN ACT to incorporate the Catawba Bridge Company.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That William W. Elms, Sidney X. Johnston, Richard Rozzell, John H. Caldwell and Robert H. Brevard, or a majority of them, their successors and assigns, and those who may hereafter associate themselves with them, be, and the same are hereby constituted a body politic and corporate, under the name and style of the "Catawba Bridge Company," for the purpose of building a bridge over the Catawba River, between the counties of Gaston and Mecklenburg, within one mile or less of Rozzell's Ferry; and as such may sue and be sued, plead and be impleaded, and have perpetual succession and a common seal; and to have and to hold necessary real and personal estate, to the accomplishment of the purposes designed by this act: That whenever the amount of five thousand dollars shall have been subscribed by the corporation aforesaid, or others, the said stockholders or subscribers shall assemble at such time and place as they may deem proper and organize by electing a president and four directors and such other officers as may be necessary to said company; and to ordain and pass all necessary by-laws and ordinances for the better regulation and management of said corporation.

Sec. 2. Be *it further enacted,* That the capital stock of said corporation shall not exceed twenty thousand dollars, and shall be divided into shares of one hundred dollars each, and the shares so subscribed shall be paid for or collected at such times and places and in such instalments as the president and directors from time to time shall prescribe, they having first given twenty days notice thereof; and if any person or persons holding one or more shares in said company, shall fail to pay for the same in the manner and at the time prescribed, the president and directors, in the name

of the company, before any justice of the peace or other court of competent jurisdiction, may enforce the collection thereof by legal process, or they may expose to public sale the share or shares which such defaulting stockholder may hold in said company, by giving ten days' public notice thereof; and if the said share or shares shall not sell for a sufficient sum to pay the instalment or instalments due thereon, the sum deficient may be recovered by suit or otherwise from the person or persons who owned the said stock; and the books of the said company shall be good evidence of such sale and of the purchase of said shares.

Sec. 3. *Be it further enacted*, That the general meetings of said company shall be held at such times and places as the stockholders may direct; and the president and directors shall have full power and authority to acquire, by purchase, donation or otherwise, a proper site for said bridge, and to commence work on the same or to enter into contracts for the whole or any part thereof, when the said capital stock of five thousand dollars shall have been subscribed; and to make all needful rules and regulations for the management of the affairs of said company.

Sec. 4. *Be it further enacted*, That whenever the capital stock shall have been paid for, certificates for the same shall be isued to the several stockholders therefor, and said stock shall be transferable by the holders thereof, in such manner as the president and directors shall prescribe, and such stock shall be deemed and held as personal estate.

Sec. 5. *Be it further enacted*, That said company shall have power and authority to ereet and keep up a gate or gates on said bridge, and to ask, demand, take and receive not more than the following tolls, to wit: for every four wheeled pleasure carriage, seventy five cents; every two wheeled carriage, forty cents; for every wagon with six horses, eighty cents; for every wagon with four horses, sixty cents; every cart or carryall, twenty five cents; for man

and horse or mule, ten cents; single horse or mule, six cents; each head of horned cattle, four cents; hogs and sheep, two cents each.

Sec. 6. *Be it further enacted*, That unless said company shall commence the building of said bridge, and complete the same within seven years from the passage of this act, the corporate powers hereby granted shall cease and determine, and that the corporation hereby enacted shall not continue longer than ninety nine years, unless the same shall be extended and continued by an act of the General Assembly.

[Ratified 28th January, 1851.]

CHAPTER CCCIX.

AN ACT to repeal a portion of an act, entitled "An Act to authorize the erection of a toll bridge over Catawba river, between the counties of Caldwell and Catawba, and to incorporate a company for that purpose," passed during the session of the General Assembly of 1848–9.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, that so much of the seventh section of said act as relates to the opening of a road from the said toll bridge through the counties of Catawba, Lincoln and Gaston, be, and the same is hereby repealed.

[Ratified 27th January, 1851.]

TOWNS.

CHAPTER CCCX.

AN ACT extending the powers of the commissioners of the town of Franklinton.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That hereafter it shall be lawful for the commissioners of the town of Franklinton, in the county of Franklin, or a majority of them, and their successors in office, to sell any property belonging to the said corporation, upon such terms as they may deem just and reasonable, and to make a good and valid title to the purchaser.

Sec. 2. *Be it further enacted*, That this act shall take effect from and after its ratification.

[Ratified 1st January, 1851.]

CHAPTER CCCXI.

AN ACT to extend the powers of the commissioners of the town of Franklinton, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of*

the same, That hereafter it shall be lawful for the commissioners of the town of Franklinton to lay a tax, not exceeding the sum of ten dollars, upon every person or company of stage players, sleight of hand performers, rope dancers, tumblers, and wire dancers, or company of circus riders or equestrian performers, who may perform in said town, and upon each and every person or company who shall exhibit artificial curiosities of any kind or sort in said town, except models of useful inventions, for a reward; and also a tax, not exceeding five dollars, upon every person or company who may exhibit natural curiosities of any kind in said town for a reward; which said taxes are to be collected and accounted for, by the town constable, in the same manner as other corporation taxes for the town of Franklinton.

Sec. 2. *Be it further enacted*, That the commissioners of said town shall have full power and authority to appoint an overseer to keep the streets and road within the corporate limits of said town in good repair; and that the overseer so appointed shall have full power and authority to call out all persons residing in said town liable to work on public roads, to keep the streets within the corporate limits of said town in good repair, under such rules, regulations and penalties as are now prescribed by law in relation to overseers and hands liable to work on public roads, or such ordinances as may be adopted by the town commissioners, not inconsistent with the laws of this State: *Provided, however*, that no person shall be liable to do more than six days work upon said streets in any one year.

Sec. 3. *Be it further enacted*, That the said commissioners shall also have power to require from the town constable bond, with approved security, for the faithful performance of his duties, in any sum they may think proper not exceeding five hundred dollars; and all persons injured by the official misconduct of said constable, or by any illegal act of his, done under color of his said office, shall be entitled to bring

suit upon said bond, in the name of the State, and to recover, for their benefit, for the damages sustained.

Sec. 4. *Be it further enacted*, That hereafter it shall be lawful for the town constable to execute all warrants for violations of town ordinances, and also all subpœnas, executions and other process relating to the same; and that the said town constable shall also have all the powers of other constables in Franklin county, so far as the criminal law is concerned, within the limits of said corporation.

Sec. 5. *Be it further enacted*, That it shall be the duty of the town constable, on the first Saturday in March, in each and every year, to open polls of election in said town, first giving ten days notice of the time and place of holding said election at two or more public places in said town, for the purpose of electing five persons to serve as commissioners of the town of Franklinton for the term of one year after their election, and until their successors shall be elected and qualified; and that no person shall be eligible to serve as commissioner, who is not at the time of election a resident of said town, and shall have resided therein at least six months previous to the day of election.

Sec. 6. *Be it further enacted*, That it shall be the duty of the commissioners to appoint two free white men residents of said town as inspectors of the polls in all elections held by the people in said town, who shall be sworn in the same manner as other inspectors of the polls in this State, who, together with the town constable, shall hold the election at the place designated by the town constable; and in the event of a tie, the town constable shall give the casting vote. And if said commissioners shall fail to appoint inspectors of the polls, it shall be the duty of the magistrate of police to make the appointment.

Sec. 7. *Be it further enacted*, That all persons who are residents of said town at the time of said election, and who are entitled to vote for members of the House of Commons, shall be entitled to vote in said election.

Sec. 8. *Be it further enacted*, That the said town commissioners shall have power to fill vacancies in their own body, occasioned by death, removal, refusal to act, or from other cause; and the person or persons appointed to fill such vacancy shall have and enjoy the same privileges as the other commissioners.

Sec. 9. *Be it further enacted*, That hereafter it shall be lawful for the magistrate of police of the said corporation to issue warrants for a violation of town ordinances, to try the same, and to render judgment against the defendant, and to issue executions in the same manner, to all intents and purposes as justices of the peace are allowed to do in warrants for penalties under the laws of this State; and that it shall also be lawful for either party who may be dissatisfied with his judgment, to take an appeal to the next county court, in the same manner, and under the same rules that appeals are taken from judgments of justices of the peace.

Sec. 10. *Be it further enacted*, That it shall be hereafter lawful for the magistrate of police to have all the powers of a single justice of the peace within the limits of said corporation, so far as breaches of the peace and other criminal offences are concerned.

Sec. 11. *Be it further enacted*, That hereafter it shall not be lawful for the justices of the court of pleas and quarter sessions of the county of Franklin to grant a license to any person or persons to retail spirituous liquors within the limits of the corporation of Franklinton without a written recommendation, signed by a majority of the commissioners of said town; and any license granted contrary to the provisions of this act, shall be void.

Sec. 12. *Be it further enacted*, That the first and second sections of an act, entitled "an act to incorporate the town of Franklinton, in the county of Franklin," chapter 32, passed at the session of the General Assembly of 1842-3, be, and the same are hereby repealed.

Sec. 13. *Be it further enacted,* That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXII.

AN ACT to amend an act, passed in the year 1818, Chap. 42, entitled "An Act to elect a Magistrate for the town of Wilmington, and other purposes."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That the first, second and third sections of the above recited act are hereby repealed; and that on the first Monday in February, one thousand eight hundred and fifty three, the Magistrate for the town of Wilmingtom shall be elected by the citizens residing within the limits of said town, who are entitled to vote for members of the House of Commons of the General Assembly; and shall hold his office for the term of two years, unless sooner displaced by death, impeachment, removal or resignation; and said magistrate shall at the expiration of each and every two years thereafter, be again elected as aforesaid; and shall hold his office for the term aforesaid, unless removed as aforesaid.

Sec. 2. *Be it further enacted,* That if at any time after the first election of said magistrate of the town of Wilmington, a vacancy shall occur before the regular ensuing election, by death, resignation, removal or otherwise, the cit-

izens as aforesaid shall, seven days thereafter, proceed as aforesaid to elect a suitable person to fill the said vacancy.

[Ratified 28th January, 1851.]

CHAPTER CCCXIII.

AN ACT to amend an act, passed in the year 1848-49, entitled "An Act to extend the limits of the town of Wilmington, and for other purposes."

SEC. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, that so much of the above recited act, section 1st, as relates to the corporate limits of the said town of Wilmington, be, and the same is hereby repealed; and that the corporate limits of the said town of Wilmington shall hereafter be bounded and circumscribed by the following metes and boundaries, that is to say: Beginning at a marked cypress near the terminus of a ditch running into the North East branch of the Cape Fear river, known as the South West corner of the Hilton tract of land, and running North eighty two degrees forty five minutes East, two hundred and twenty nine poles parallel with Market street; thence South seven degrees fifteen minutes East seven hundred and twenty eight poles parallel with Front Street; thence South eighty two degrees forty five minutes West three hundred and fifty two poles to the river; thence North eight degrees forty five minutes West two hundred and eighty eight poles to a gum, a corner of Brunswick and New Hanover county line; thence West forty poles; thence North four degrees

thirty minutes East fifty poles; thence South eighty-five degrees thirty minutes West fifty poles; thence North forty-one degrees thirty minutes West ninety poles; thence East ninety poles to the mouth of a creek the North East corner of Brunswick and New Hanover counties; thence North twenty-seven degrees West one hundred and six poles to the mouth of a ditch, corner of the Potter and Point Peter line; thence along said line South eighty five degrees East forty-seven poles to the North East branch of the Cape Fear River; thence North thirty six degrees East two hundred and sixty-six poles to the first station.

Sec. 2. Be *it further enacted*, That the survey and plan of the said town, made by Alexander C. Dickinson, under the order of the commissioners of the town of Wilmington, in the year A. D. 1850, which accompanies this act, shall be filed in the office of the Secretary of State, and a copy thereof enrolled in the office of the county court of New Hanover, which enrolment or a copy thereof shall be received as legal evidence in any court of justice in this State of the corporate limits of the said town of Wilmington, as specified in the preceding section of this act.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXIV.

AN ACT to appoint commissioners for the town of Jamestown, in the county of Martin.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That Clayton Moore, Starkey W. Gardner, Mason Jones, Jesse J. Smith and Jos. A. Williams, be, and the same are hereby appointed commissioners of the town of Jamestown, in the county of Martin, with all the powers and authority heretofore exercised by the commissioners of said town, under the act of the General Assembly heretofore enacted.

Sec. 2. *Be it further enacted,* That this act shall take effect from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCCXV.

AN ACT to extend the authority of the commissioners of the town of Plymouth, in Washington county.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That the board of commissioners who at present are, or hereafter may be of the town of Plymouth, in Washington county, shall have full power and authority to pass such town laws and regulations as to enable any person or persons owning a town lot or lots in said town to run a dividing fence between said lot or lots and the lot or lots of an-

other, or others and be remunerated for half the construction of such dividing fence by the person or persons owning such lot or lots adjoining: *Provided*, that said fences be made as is usual of post rails and pales or of posts and plank.

Sec. 2. *Be it further enacted*, That said commissioners may in like manner regulate the expense and collection for repairing dividing fence or fences in said town now constructed or hereafter to be constructed; also the value and privilege of joining a fence or fences in fencing a lot or lots now vacant to the fence or fences of an adjoining lot or lots; and to do and perform such other things as are best calculated to carry out the true intent and meaning of this act, and as shall not be inconsistent with the constitution of this State or of the United States.

Sec. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXVI.

AN ACT to amend an act, entitled "an act to incorporate the town of Rutherfordton," Chapter 57, passed in 1840–'41.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That so much of the above recited act as requires the town magistrate to be a justice of the peace, be, and the same is hereby repealed; and that any person eligible to the office of commissioner in said town of Rutherfordton shall

be eligible to the office of town magistrate, and who, while in office, shall have the same powers and rights as are now possessed by the town magistrate, and shall have all the powers of a justice of the peace for said county.

Sec. 2. *Be it further enacted*, That the town magistrate and commissioners of the town of Rutherfordton, shall have power to tax all retailers of spirituous liquors within the limits of said incorporation not more than two dollars per annum; they shall also have power to tax all neat cattle and hogs running at large in said town, and shall have power to appropriate to the use of the Female Academy in said town all moneys raised by taxes on retailers.

Sec. 3. *Be it further enacted*, That the town magistrate and commissioners of said town of Rutherfordton shall have power to tax all circuses, rope dancers, menageries, sleight of hand performers, or any person or persons who shall make any exhibition or deliver any lecture, and shall charge a compensation therefor, not exceeding ten dollars for each exhibition for its lecture.

Sec 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCCXVII.

AN ACT to appoint Commissioners for the town of Wentworth.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the*

same, That James N. Montgomery, William M. Ellington and Nicholas Fellts, be, and they are hereby appointed commissioners for the town of Wentworth, in the county of Rockingham, with full power and authority to dispose of, at public sale, all the lots and the town commons in the town of Wentworth, which have not been heretofore sold and conveyed, and to make titles in fee simple to the purchasers.

Sec. 2. *Be it further enacted*, That the money arising from the sale of the said lots and town commons shall be paid by said commissioners to the county trustee of said county of Rockingham for county purposes.

Sec. 3. *Be it further enacted*, That said commissioners, or a majority of them, are hereby empowered to institute all and every such suit or suits as may be necessary for the recovery of any such lot or lots or town commons.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 17th January 1851.]

CHAPTER CCCXVIII.

AN ACT to extend the limits of the town of Kenansville, in Duplin county.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the boundaries of the town of Kenansville, in the county of Duplin, shall be extended and shall hereafter be as follows: Beginning at the Hunter Ford on the Grove Swamp, thence with the Wilmington road to a point opposite the Indian Graves; thence a due East course to the

Mill branch; thence with the Mill branch to the Grove swamp; thence up the Grove swamp to the beginning; which boundaries shall be run and marked by the county surveyor of the county of Duplin, on some day previous to the first of April, 1851.

Sec. 2. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCCXIX.

AN ACT to amend the act incorporating the town of Windsor.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the act, passed at the session of the General Assembly 1846–'7, incorporating the town of Windsor, be so amended as to make it discretionary with the commissioners of said town whether hogs owned by non-residents of said town shall be taken up.

[Ratified 28th January, 1851.]

CHAPTER CCCXX.

AN ACT to amend an act, entitled "An Act to incorporate the town of Franklinsville, in the county of Randolph," passed by the General Assembly at its session of 1846 and '47.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the act, passed at the session of the General Assembly of 1846-'47, entitled "An Act to incorporate the town of Franklinsville, in the county of Randolph," be so altered and amended as to extend the corporate limits of said town; beginning at the present North East corner running one quarter of a mile East to a stake; thence South to the river; thence up said river to the present South East corner of said corporation.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXI

AN ACT to amend an act, passed at the session of 1848 and 9, entitled "An Act to incorporate the town of Asheville."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the said act, chapter 236, be, and the same is hereby so amended that it shall be the duty of the sheriff

of Buncombe county, on the first Monday in every year, to open polls in said town and hold an election for commissioners for said town, under the same rules and restrictions as are prescribed in said act for holding the election on the first Monday in January, 1849; and the commissioners so elected shall hold their office until others are elected and qualified.

Sec. 2. *Be it further enacted*, That it shall be competent for said commissioners to increase the tax upon any of the subjects of taxation in said act named, and to add to them any other property or thing that they may deem proper, in order to raise sufficient revenue for the purposes of said town.

Sec. 3. *Be it further enacted*, That said commissioners shall possess the power to prohibit cattle, horses or hogs from running at large in said town, under such rules and penalties as they may judge best.

Sec. 4. *Be it further enacted*, That it shall be competent for said commissioners to require all the hands living in the corporate limits of said town, liable to work on roads, to labor on the streets in said town not exceeding six days in each and every year, under such rules and regulations, and under such penalties as they may prescribe.

Sec. 5. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXII.

AN ACT to incorporate the Town of Lumberton.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same,* That it shall be the duty of the sheriff of Robeson county, or his lawful deputy, on the first Monday in February, in each and every year, after giving ten days notice previous to the day of election, to open polls at the court house in the town of Lumberton, in said county, for the election of a magistrate of police and four commissioners for the said town, who shall continue in office for the term of one year thereafter, or until others are elected.

Sec. 2. Be *it further enacted,* That any free white male citizen of said town of Lumberton, who has resided therein for the space of three months immediately preceding the day of election, and who is possessed of a freehold in said town of the value of fifty dollars, shall be eligible as such magistrate of police and commissioners; and every citizen of said town, who has resided therein for the space of three months immediately preceding the day of election, and who is qualified according to the Constitution of this State to vote for members of the House of Commons of the General Assembly, shall be entitled to vote in said election; and such election shall be conducted and regulated in the same manner as for members of the General Assembly; and for such services, the sheriff or his deputy shall receive from the board of Commissioners the sum of one dollar; and in case of a tie, the sheriff or his deputy shall give the casting vote.

Sec. 3. Be *it further enacted,* That the said magistrate of police and commissioners shall, within five days after their election and before entering upon the duties of their office, take an oath, before some justice of the peace for the said county, to support the constitution of this State and of

the United States and to faithfully and impartially perform the duties appertaining to their respective offices; and thereupon they shall be constituted a corporation and body politic, under the name and title of "Commissioners of the town of Lumberton;" and by such name, shall have succession and a common seal, and may sue and be sued, plead and be impleaded, contract and be contracted with; and they are hereby invested with all other powers and rights necessary or usually appertaining to municipal corporations.

Sec. 4. *Be it further enacted*, That the magistrate of police shall be *ex-officio* chairman of the board of commissioners, and shall have one vote therein; and in all cases of a tie, shall give the casting vote. It shall be his duty to designate the time and place for the meetings of said board of commissioners, and see that the laws of the State and the ordinances of the said commissioners are obeyed and executed within the limits of the said town; he shall also be a peace officer, and shall have within the limits of the said town all the powers of a justice of the peace, for the preservation of the public peace, detection, arrest and punishment of offenders; and shall receive such fees for his services as shall be allowed him by the commissioners.

Sec. 5. *Be it further enacted*, That the corporate limits of the said town shall be the same adopted by the February term of the court of pleas and quarter sessions, A. D. 1850, known as Dr. R. C. Rhodes's plan, and now filed in the office of the county court clerk.

Sec. 6. *Be it further enacted*, That the commissioners of the said town are hereby invested with full power and authority to open and cause to be kept open all streets and by-ways designated in said plan and no others, due regard being had to the necessities of the said town and the interest and convenience of the citizens affected thereby.

Sec. 7. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXIII.

AN ACT to amend the act concerning the incorporation of the town of Goldsborough, in the county of Wayne, ratified January 29th, 1849.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the commissioners of the town of Goldsborough shall have authority to appoint a patrol for said town; and the said patrol shall have the same power and authority in said town, and be subject to the same rules and regulations, as patrols appointed by the county court.

Sec. 2. *Be it further enacted*, That said patrol shall receive such compensation, for their services, as may be allowed them by said commissioners.

Sec. 3. *Be it further enacted*, That if from any cause, there shall be no town constable to collect the taxes in said town, it shall be the duty of the sheriff of the county of Wayne to collect and account for the same, under the same rules and regulations as the constable has heretofore been subject to.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXIV.

AN ACT to amend an act entitled "an act to incorporate the town of Kinston, in the county of Lenoir."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority o*

the same, That should any vacancy occur by death, removal, resignation or otherwise, in the board of commissioners appointed by virtue of the third section of the above recited act, the remaining commissioners, or any three of them, are hereby empowered to fill said vacancy for the remainder of the term for which such commissioners shall have been elected.

Sec. 2. And whereas doubts have arisen as to the power of the said commissioners appointed by virtue of the above recited act, to make sale of real estate belonging to said town of Kinston; and whereas said commissioners have made sale of small portions of said real estate: *Be it therefore enacted*, That the said commissioners are hereby empowered to make good and valid titles to the said real estate sold by them heretofore, and that the deeds made by them shall vest in the purchaser or purchasers a good and sufficient title to the real estate intended to be conveyed.

Sec. 3. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXV.

AN ACT to extend the corporate limits of the town of Elizabeth City, in the county of Pasquotank.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the corporate limits of the town of Elizabeth City, in the county of Pasquotank, shall be extended as follows, to wit:

Beginning at the mouth of "Poindexter's Creek," and in the centre of the same, and running up said creek in a Westwardly direction along its channel to its North Branch; thence along said branch its various courses to the public road leading from Elizabeth City to Norfolk, Va., near a bridge and cypress; thence North 67° West 21 chains and 5 links; thence South 8° West forty six chains to "Rum Quarter" road; thence South 12° East 28 chains to what is called the "Old Road," leading from Elizabeth City to Edenton, including the whole width of said road and the ditches on either side; thence along said road North 40° East 19½ chains to a sign post at the intersection of this road with the one which is a continuation of "Road Shut" in said town; thence due East to a pine on the West side of "Charles Creek;" thence along the edge of said creek its various courses to its mouth at Pasquotank river; and thence along the channel of said river its various courses (so as to include the wharves) to the first station.

Sec. 2. *Be it further enacted*, That all persons who now are or hereafter may be residing within the limits described in the preceding section, shall be entitled to all the privileges and immunities and be subject to all the rules and regulations which those who now are or hereafter may be residents of the town of Elizabeth City within its present corporate limits.

Sec. 3. *Be it further enacted*, That it shall be the duty of the corporate authorities of said town to put and keep in repair the bridge over the creek now forming the South East boundary of said town, to raise said bridge and the causeway on either side of it at least two feet higher than they now are, and likewise to keep the embankments on the South side of said bridge to the wharf near by, owned by P. C. Williams, in good and sufficient repair; all of which it shall be the duty of said corporate authorities to have completed within twelve months from the passage of this act; otherwise

they shall be liable to indictment and a fine not exceeding two hundred dollars, at the discretion of the court.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 21th January, 1851.]

CHAPTER CCCXXVI.

AN ACT to incorporate the town of Lenoir, in the county of Caldwell.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the sheriff of Caldwell county, on the first Saturday in April in each and every year, after giving ten days notice previous to the day of election, to open polls at the court house in the town of Lenoir, in said county, for the election of five commissioners, who shall continue in office for the term of one year thereafter, or until others are appointed.

Sec. 2. *Be it further enacted*, That any citizen of said town of Lenoir, who has resided therein for six months immediately preceding the election, and who at the time of the election owns and is possessed of a freehold in said town of the value of fifty dollars, shall be eligible as commissioner; and every inhabitant of the said town, who has resided therein six months immediately preceding the day of election, and who is qualified to vote for a member of the House of Commons, and also every free white male citizen twenty one years of age, who has resided any where in said county for six months immediately preceding the day of election, and who

owns a freehold of the value of fifty dollars in said town, shall be entitled to vote in said election for commissioners; and such election shall be conducted and regulated in the same manner as elections of members of the General Assembly; and in the event of a tie, the sheriff or his deputy shall give the casting vote; and the sheriff, for his services in holding said election, shall receive from the board of commissioners the sum of one dollar.

Sec. 3. *Be it further enacted*, That the said commissioners within five days after their election, and before entering upon the duties of their office, shall take an oath before some justice of the peace for said county, faithfully and impartially to perform said duties; and thereupon they shall be constituted a body politic and corporate, under the name and style of "The Commissioners of the town of Lenoir;" and as such, may sue and be sued, plead and be impleaded, acquire and transfer property, have and use a common seal, and have perpetual succession.

Sec. 4. *Be it further enacted*, That the said commissioners, or a majority of them, shall have power and authority to appoint a magistrate of police, a town constable and treasurer, and shall have power to lay and collect a tax on the inhabitants and property of said town, not exceeding sixty cents on the poll, and thirty cents on every hundred dollars worth of town property, to be ascertained by the assessment thereof made by law for taxation, as shown by the tax lists returned to the county court of said county; and a tax on each store, grocery, tavern, lawyer, physician, not exceeding two dollars; on every dog exceeding two owned by any one person, twenty cents; on exhibitions of natural or artificial curiosities, five dollars; on all sleight of hand performers or bands of singers, who exhibit for pay, three dollars; which said taxes, when collected, shall be appropriated to repairing the streets and side walks, and to such other purposes as the commissioners, or a majority of them, shall direct.

Sec. 5. *Be it further enacted*, That said commissioners be authorized and empowered to establish patrols for said town, and to enact and adopt all such by-laws, rules and regulations as they, or a majority of them, may deem necessary for the health, good order, improvement and proper government of said town: *Provided*, that nothing in this act contained shall authorize the said commissioners to prevent the citizens of Caldwell county from exposing to sale on the public square any goods, wares or merchandise or commodity of any kind now authorized by law to be sold, free of any town tax; and *provided* said by-laws, rules, and regulations be not inconsistent with the constitution and laws of this State or of the United States.

Sec. 6. *Be it further enacted*, That the town constable aforesaid shall be the collector of the town tax, under the direction of the said commissioners; and for that purpose shall have all the powers and immunities of sheriffs in the collection of the public revenue; and for his services, shall receive the same pay that sheriffs now receive.

Sec. 7. *Be it further enacted*, That the town constable shall be required to enter into bond, with good and sufficient security, in the sum of one thousand dollars, before entering upon the duties of his office, payable to the State of North Carolina, for the faithful performance of the duties of his office, and paying over to the town treasurer all monies collected by virtue of his office; and, for a breach of said bond, shall be liable as other constables are now liable.

Sec. 8. *Be it further enacted*, That any commissioner elected under the provisions of this act (who is eligible) who refuse to serve as commissioner, shall forfeit and pay the sum of twenty dollars, to be sued for and recovered, by and in the name of the sheriff of said county, before any single justice of the peace by warrant; and the amount, when collected, shall be paid over to the town treasurer, to be disbursed by him, under the order of the commissioners, for the benefit of the streets of said town: *Provided, however*, that

no person shall be compelled to act as commissioner any two years in succession.

Sec. 9. *Be it further enacted*, That upon the death, resignation, removal or refusal to act of any of the commissioners, the remainder, or a majority of the remainder, shall have power and authority to appoint his or their successor or successors, who shall have the same power granted to his or their predecessor, and shall in like manner be compelled to serve.

Sec. 10. *Be it further enacted*, That the following shall be the corporate limits of said town, to wit: Beginning at a point where the old Fort line crosses the Lincoln road; thence with said Fort line West to Harper's tan yard branch; thence up said branch with the right hand prong to its source; thence North in a straight line to a point on the old river Weekes road; thence East with said road to a point North of the Eastern line of the town; thence North to said line including Halawes tan yard and house; thence South with said line to the old ridge Weekes road; thence with said road to the old Fort line, thence with said line to the beginning.

Sec. 11. *Be it further enacted*, That if said line or corporate limits cannot be established by actual survey as designated by the above boundaries, then the corporate limits of said town shall extend one half mile in every direction from the court house.

Sec. 12. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXVII.

AN ACT to extend the corporate limits of the town of Jacksonville, in the county of Onslow.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, the corporate limits of the town of Jacksonville, in the county of Onslow, shall be extended to the following limits or boundaries, viz: Beginning at the foot of the Bridge, running thence down the river to a cedar below the stills of William P. Pelilier & Co; from thence a straight line, bearing South West to a drain above the dwelling of George J. Ward, Esq.; thence up said drain a natural boundary to a point above the house and lot occupied at this time by William P. Peltier; thence a straight line to intersect the old incorporated line to the river; thence with the meanderings of the river to the bridge; thence across the bridge a direct line; thence a South West course nearly, until it intersects the river above the house and improvements now occupied by Charles H. Barrum, Esq.; thence with the meanderings of the river to the bridge; thence to the first station.

Sec. 2. *Be it further enacted*, That the commissioners of said town shall have full power to exercise all the privileges heretofore granted them, by act of Assembly, as commissioners.

Sec. 3. *Be it further enacted*, That this act shall take effect from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXVIII.

AN ACT to incorporate the town of Taylorsville, in the county of Alexander.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the sheriff of Alexander county, either by himself or his lawful deputy, on the first Saturday in May in each and every year, at the court house in the town of Taylorsville, in said county, to open polls for the election of five commissioners in and for said town of Taylorsville, to continue in office for the term of one year, and until others duly chosen and qualified, have entered upon the duties of their office: *Provided*, that no one shall be eligible as commissioner who has not resided six months preceding his election within the limits of said town, and is an actual resident at the time of such election.

Sec. 2. *Be it further enacted*, That every inhabitant of said town who has resided six months therein, and who is qualified, according to the constitution, to vote for members of the House of Commons, shall be entitled to vote in said election; and such election shall be by ballot, and in the event of a tie, the sheriff or his lawful deputy aforesaid shall give the casting vote.

Sec. 3. *Be it further enacted*, That said commissioners, after their election and before entering on the duties of their office, shall take an oath before some justice of the peace of the county aforesaid faithfully and impartially to perform said duties; and thereupon they shall constitute a body politic and corporate by the name and style of the Commissioners of Taylorsville; and by such name, they shall be invested with a succession and a common seal; and shall have full power to hold and convey real and personal property; to sue and be sued; and to pass and ordain such by-laws and ordinances, not inconsistent with the constitution and laws

of the United States and of this State, as from time to time they, or a majority of them, may deem expedient and advisable for the good government of said town.

Sec. 4. Be *it further enacted*, That said board of commissioners shall have power to appoint a magistrate of Police, a town constable and treasurer; and the constable so appointed shall be the collector of the town tax under the direction of said commissioners; and for that purpose, shall have all the powers and immunities of sheriffs in the collection of the public revenue; and shall collect all fines and forfeitures arising by virtue of this act, by warrant, before any justice of the peace for said county; and shall receive for his services the fees which by law the sheriffs and constables of this State have a right to receive for the like services.

Sec. 5. *Be it further enacted*, That it shall be the duty of each person residing or holding property in said town to deliver to the board of commissioners, whenever required, a statement, on oath, of all the property owned or possessed by such person within the limits of said town liable to be taxed; and on failure to do so, when required by the board of commissioners, within one month, shall pay double taxes on all property not given in as above, unless on sufficient excuse shown, to be adjudged of by the board.

Sec. 6. *Be it further enacted*, that said board shall appoint an overseer of the streets, whose duty it shall be to keep them in good and sufficient repair; and for this purpose, he is empowered to require the services of all persons residing in said town, liable by law to work on roads, as often as shall be necessary; and in all other respects shall possess the powers and be liable to the penalty to which overseers are now subject.

Sec. 7. *Be it further enacted*, That all persons living within the limits of said town, liable to work on public roads, be, and they are hereby exempt from working on all roads without the limits of said corporation.

Sec. 8. *Be it further enacted*, That if any of the commissioners elected as by this act required and having been notified thereof ten days, shall refuse or neglect to take the oath prescribed, for one month after said election, unless he shall remove out of the limits of said town or be otherwise incapable of serving, shall be liable to pay twenty dollars to the use of said town; [for] which forfeiture the county solicitor for the said county of Alexander is hereby required to bring suit, in the name of the Commissioners of Taylorsville, in the county court of law of Alexander county.

Sec. 9. *Be it further enacted*, That the corporate limits of said town are hereby declared to be as follows, viz: Beginning at a stake, the North West corner of said town, running one hundred and sixty poles South to a stake; thence East one hundred and sixty poles to a stake; thence North one hundred and sixty poles to a stake; thence West one hundred and sixty poles to the beginning.

Sec. 10. *Be it further enacted*, That this act shall be in force from and after its ratification, and that all laws and clauses of laws coming in conflict with the provisions of this act, are hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER CCCXXIX.

AN ACT to incorporate the town of Concord, in the county of Cabarrus.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the*

same, That Josiah L. Bundy, Alfred Brown, William Frew, Daniel M. Wagner and Ransom Winecoff, Commissioners of the town of Concord, and their successors in office, chosen in the manner hereinafter provided for, be, and they are hereby created a corporation and body politic, under the name and title of The Commissioners for the Town of Concord, with full power to make by-laws not inconsistent with the constitution of the State and of the United States; to contract and be contracted with; to sue and be sued; to plead and be impleaded, by that name and title; and they are hereby invested with all other powers and rights necessary or usually appertaining to municipal corporations.

Sec. 2. *And be it further enacted*, That the said Josiah L. Bundy, Alfred Brown, William Frew, Daniel M. Wagner and Ransom Winecoff shall continue to hold their offices as commissioners for the town of Concord until a new election of commissioners for said town shall take place as hereinafter provided for.

Sec. 3. *Be it further enacted*, That hereafter the board of commissioners for the said town of Concord shall be composed of Intendant of Police and four commissioners. The Intendant of Police shall be elected annually and serve until another is elected and qualified. He shall be *ex officio* president of the board of commissioners, and have one voice therein. The four commissioners shall be elected annually, and serve until their successors are elected and qualified.

Sec. 4. Be *it further enacted*, That the election of Intendant of Police and for commissioners for the town shall be held at the Court House, or such other place in said town as may be officially appointed and advertised, on the last Monday in January in each year; that the sheriff of Cabarrus county, or a deputy by him appointed, or, in case of a vacancy in the office of sheriff, the coroner of said county, or a deputy by him appointed, shall advertise said election at least twenty days before the said last Monday in January,

1851, and at least twenty days before the last Monday in January, in every year thereafter, and shall attend at said court house or other place as appointed and advertised on the said day of election, and at the hour of ten in the morning, shall open the polls of election, in the presence of two inspectors appointed and qualified as hereinafter provided for; shall receive the tickets, and shall put those for commissioners of said town in one box and those for Intendant of Police of said town in another box provided for that purpose: each inspector shall personally, or by an agent chosen by him and duly sworn before some justice of the peace, take down in one list the names of persons voting for commissioners of said town, and in another list the names of persons voting for Intendant of Police of said town; and the said sheriff shall, in the presence of said inspectors, at the hour of four in the afternoon, close the said polls, and at the said court house or place so appointed and advertised as aforesaid, in the presence of such of the electors as choose to attend, open the boxes containing the tickets, and examine and number ballots, and read aloud what appears upon each, and shall declare the persons receiving the greatest number of votes for the office of Intendant of Police duly elected Intendant of Police of said town, and shall, on demand, give a certificate to that effect; and shall declare the four other persons receiving the greatest number of votes for the office of commissioners, duly elected commissioners of said town, and, on demand, give them certificates to that effect. When two or more persons shall have the same number of votes, the said sheriff, or deputy, or coroner, shall give the casting vote; but the said sheriff or coroner, if holing the election, shall not vote in any other case whatever; and the said sheriff, or in case of a vacancy in the office of sheriff, the said coroner shall, for every neglect or refusal to obey the requirements of this section, by himself or by his deputy, by the said sheriff or coroner respectively appointed to hold

said election as aforesaid, forfeit and pay two hundred dollars to any person who shall sue for and recover the same, in any court having jurisdiction thereof, *provided*, that said suit be brought within six months after the cause of action occurred. The said inspectors shall be appionted by the court of pleas and quarter sessions for the county of Cabarrus, at the terms immediately preceding the days above fixed for holding said elections; and in case of a neglect by said court to appoint, or of a neglect or refusal by said inspectors, or either of them, to attend or act on the day of election, then they, or in case one only shall neglect or refuse to attend or act, a substitute for the one s refusing shall be appointed, on the day of election, by one justice of the peace for said county, called on by the officer holding said election to make the appointment. Any person neglecting or refusing to act as inspector, when appointed in either of the ways aforesaid, shall forfeit and pay ten dollars, to any person who may sue for and recover the same, before the Intendant of Police for said town, provided suit be brought within six months next after the cause of action occurred.

Sec. 5. *Be it further enacted*, That no person shall be elected Intendant of the Police or commissioner for the town of Concord, except a white male citizen of the full age of twenty one years, who shall have resided in said town six months next preceding the day of election, and who shall possess and continue to possess a freehold in said town assessed for taxation at a sum not less than five hundred dollars; and no coroner, sheriff or constable, or any deputy of either of those officers, shall be eligible as Intendant of Police.

Sec. 6. Be *it further enacted*, That every white male inhabitant of the town of Concord, of the age of twenty one years, who shall have resided in said town six months next preceding the day of election, and shall have paid a town tax, and also all white male citizens of the State of North-

Carolina, of full age, who shall possess in said town real estate assessed for taxation at a sum not less than five hundred dollars, shall be entitled to vote for the Intendant of Police and Commissioners of said town.

Sec. 7. *Be it further enacted*, That if a vacancy shall at any time happen in the office of Intendant of Police or commissioner, by refusal of the elect to qualify, by resignation, death or otherwise, it shall be the duty of said board of commissioners, within one month after the happening of such vacancy, to elect some suitable person to fill the same; and any such Intendant of Police or Commissioner so elected, shall have the same power, privileges and emoluments as if chosen by the people.

Sec. 8. *Be it further enacted*, That on or before the Saturday next after their election, the Intendant of Police and Commissioners shall meet at the town hall or some other place agreed upon by them and shall there qualify by taking each an oath to support the constitution and laws of the State, and to discharge the duties imposed upon them by law with fidelity and integrity and to the best of their ability, which oath shall be administered to the Intendant of Police by some justice of the peace for said county, or by the former Intendant of Police, and to the commissioners by the intendant of police, or in case of any neglect or refusal by him, then by the former Intendant of Police, or some justice of the peace for said county: and every person so elected Intendant of Police or Commissioner as aforesaid, neglecting or refusing to qualify and serve, shall forfeit and pay the sum of ten dollars, to any person who may sue for and recover the same, before the Intendant of Police for said town, or any justice of the peace for said county, provided suit be brought within six months next after the cause of action occurred.

Sec. 9. *Be it further enacted*, That it shall be the duty of the Intendant of Police to see that the laws of the State and ordinances of said commissioners are obeyed and executed within said town. He shall have power to issue warrants

to the town constable, whose appointment is hereafter provided for, or the sheriff or any constable of said county, founded on a complaint of a breach of any laws relating to said town or any of the ordinances of said commissioners, or brought for the recovery of any penalty or penalties given by said laws or ordinances, for the arrest of the person or persons complained against, to hear and determine said complaints, on the return of the warrants, under the same rules and regulations as are by law provided for trials before single justices of the peace; to give judgments on said warrants, and issue executions thereon, which judgments shall be final, unless appealed from in the manner hereafter provided for. The said Intendant shall also be a peace officer and shall have, within the limits of said town, all the powers of a justice of the peace and of a constable, for the preservation of the public peace, detection, arrest and punishment of offenders. The said Intendant shall further have summary jurisdiction to hear and determine all breaches of the peace occurring within the limits of said town, not above the grade of misdemeanors; and to punish all offenders, if free white persons, by a fine not exceeding twenty dollars, or by imprisonment not exceeding twenty days; if free persons but not white, then by fine and imprisonment, as above, or by whipping, not exceeding thirty nine lashes; if slaves, by a whipping not exceeding thirty nine lashes; and the owners or managers of said slaves shall receive a reasonable notice of the time of trial, and a copy of the warrant for the arrest of said slaves: and in case of their conviction, shall be liable for the cost thereof: *Provided, nevertheless,* that it shall and may be lawful, in all cases, for the person or persons, or in case of a slave or slaves, their owners or managers against whom the said Intendant of Police shall give judgment or pass sentence by virtue of the summary jurisdiction hereby given, or for breach of law or laws relating to said town, or of any ordinances of said commissioners, or for any penalty

or penalties given by said law or ordinances, to appeal from said judgment or sentence to the superior court of law for the county of Cabarrus, first entering into recognizance, with good security, before the said Intendant, for the appearance of said appellant or appellants before the judge of the said superior court at the next term thereof, and for his, her or their performing and biding the judgment of the said superior court; and the said person or persons praying said appeal, shall be allowed ten days to obtain the said security: *Provided*, That executions may, nevertheless, issue on said judgment or sentence forthwith; and nothing herein contained shall be so construed as to stay the same. The said Intendent of Police is further vested with the same jurisdiction and powers over all other offences committed by slaves as is now by law given to a justice or justices of the peace out of court, under the same rules, regulations and restrictions as are provided in those cases. And the said Intendant of Police shall keep a faithful minute of all process issued by or returned before him, and of his jugdement or sentence and all the proceedings thereon, in a bound book, and deliver the same to his successor. In case of an appeal duly taken, from any judgement or sentence of said Intendant, he shall return the original and all other process to said court, together with a copy of the minutes of his judgment or sentence, and of all the proceedings therein to the term of the court to which said appeal shall be taken next ensuing the taking of said appeal, on the first day of said term. The said Intendant of Police, whilst in town, shall further have the same jurisdiction and power for the trial of all civil matters and controversies as is given to single Justices of the Peace, and he shall proceed under the same rules and regulations as are by* prescribed for them; and the Intendant of Police shall, in all cases tried before him, be entitled to demand and receive the following fees, that is to say, in breaches of the peace and all breaches of any of the

ordinances of said commissioners, for every warrant, twenty five cents; for every subpœna or order to summons a witness, ten cents; for every judgment, fifty cents; for every appeal granted and recognizance taken in pursuance thereof, twenty five cents; for filing a copy of his minutes, fifty cents; and in civil cases, for every warrant or attachment, ten cents; for every subpœna or order to summons a witness, five cents; for every judgment upon any warrant, twenty five cents; for granting an appeal or stay of execution, ten cents; for every execution, ten cents; which said fees may be recovered and collected as other fees to officers are or may be collected; and the board of comissioners may, if they deem it expedient, allow the said Intendant of Police an annual salary not exceeding the sum of two hundred dollars, to be paid out of the town treasury.

Sec. 10. *Be it further enacted*, That the said board of commissioners shall meet at the town hall or some other place appointed by them, on the last Saturday in every month, and at such other times as may be agreed on from time to time by them; and a majority shall constitute a quorum for the transaction of business.

Sec. 11. *Be it further enacted*, That at the first meeting of said board of commissioners, after their election, they shall appoint a clerk who shall be allowed a reasonable salary, to be fixed by said commissioners, who shall hold his office until the expiration of the official term of said commissioners, subject, however, to be removed by them at any time for misbehavior. Said clerk shall give a bond with surety, payable to said commissioners and their successors in office, in a penal sum to be fixed by them, with a condition for the keeping by him of regular and fair minutes of the proceedings of commissioners at their meetings and the safe keeping of books, papers and articles committed to his custody during his continuance in office, and their delivery to his succes-

sor, and the faithful performance of all his other duties as clerk, which may be imposed upon him by law or the ordinances of said commissioners.

Sec. 12. *Be it further enacted*, That at the same meeting the said board of commissioners shall appoint a town treasurer, who shall hold his office for the same term, and be subject to the same conditions as the clerk above provided for. He shall, before assuming his office, give bond with approved sureties, in a penal sum to be fixed by said commissioners, payable to said commissioners and their successors in office, with a condition that he shall receive and faithfully keep all moneys which shall be paid to him on behalf of said commissioners, and disburse the same according to order given in obedience to the direction of said commissioners appearing on their minutes; that he shall keep a fair and correct account of all moneys so received and disbursed by him, in a book kept for that purpose; that he will submit said account to said commissioners, whenever required to do so; and that he shall pay his successor, on demand by him, all moneys in his hands belonging to said commissioners; and that he will faithfully perform all other duties imposed on him as town treasurer by the law or the ordinances of said commissioners in office. The said commissioners shall allow the said town treasurer a reasonable compensation for his services. That the orders drawn on the town treasurer, by the town clerk, shall state the purpose to which the money is to be applied, and the said town treasurer shall specify said purposes in general terms in the accounts kept by him, and also the sources whence the moneys received by him are derived; and said commissioners shall cause a copy of said account for the year preceding every first day of December to be made by their clerk and posted in the court-house in said town, for twenty days next previous to the first day of January in each and every year; and for breach of their respective duties assigned them in this section, the said commissioners, clerk and town treasurer shall be liable to indictment.

Sec. 13. That at the first monthly meeting of said commissioners, after the appointment of said clerk and town treasurer, those officers shall respectively report to the commissioners the particulars of their settlement with their respective predecessors in office.

Sec. 14. *Be it further enacted*, That the said commissioners may also appoint a collector of town taxes, who shall hold his office for the residue of the term of the commissioners appointing him, and who shall give bond with approved security, payable to said commissioners and their successors in office, in a penal sum to be fixed by said commissioners, with a condition that he will diligently endeavor to collect all taxes imposed by said commissioners, making use for that purpose of all the power given him by law, and that he will faithfully account for and pay over to the town treasurer all sums of money collected or received by him for said commissioners, first deducting five *per centum* on his receipts as his compensation, and that he will faithfully discharge all other duties imposed on him as tax collector by law or the ordinances of said commissioners: *Provided*, nothing herein contained shall be so construed as to prevent the said commissioners, shall they so determine, from requiring the sheriff of said county of Cabarrus to collect the town taxes; and the said sheriff, when so required by said commissioners, shall be subject to the same penalties, and shall proceed under the same rules and regulations, and shall be invested with the same powers as he is now subject to and invested by law for the collection of taxes due the State.

Sec. 15. *Be it further enacted*, That the said commissioners shall, at their first monthly meeting after their election, appoint a town constable who shall hold his office for the residue of the official term of the commissioners who appoint him, subject to be removed by them at any time for misbehavior. He shall give a bond, in a penal sum to be fixed by said commissioners, payable to them and their successors

in office, with a condition that he shall obey and diligently execute all lawful precepts to him directed by the Intendant of Police for said town, and that he will faithfully discharge all other duties which may be imposed upon him as town constable by law or the ordinances of said commissioners; and that he will diligently endeavor to carry into effect all such ordinances. It shall be the duty of said town constable in general to see that the ordinances of said commissioners are enforced, and report all breaches thereof to the Intendant of Police, to preserve the peace of said town by the suppression of disturbances and the apprehension of offenders; and for that purpose, he shall have and he is hereby invested with all the powers not [now] vested by law in sheriffs and constables. He shall also have, in the execution of process to him directed by the said Intendant of Police, the same powers which sheriffs and constables now have in the execution of like process directed to them. He shall receive a compensation to be fixed by said commissioners, and the same fees on all process executed or returned by him, which are given to constables in like process when executed or returned by them.

Sec. 16. Be *it further enacted*, That vacancies in the office of town clerk, town treasurer, tax collector and town constable, may be filled by said board of commissioners at any time.

Sec. 17. Be *it further enacted*, That the said town clerk shall, within the first seven days in March in each and every year, advertise for four weeks in one or more newspapers published in said town, or for want of newspapers, in three or more public places therein, notifying all persons subject to pay a poll tax to the State who resided within the limits of the town on the first day of February immediately preceding, or who had been principally employed in any profession or vocation in said town for three months or more immediately preceding the said first day of February, and all persons who owned or were possessed of taxable property within said

town on the said first day of February, to give in to him before the last day in said month of March, a list of their said polls and taxable property; and it shall be the duty of all such persons to give in said list within the time specified: Said list shall state the number and local situation of the lots or parts of lots given in, with the value at which they are assessed for taxation by the State; the number of white taxable polls, of taxable slaves, and of taxable free negroes residing, on the said first day of February, on the lands of persons giving in said list. And the list so given in to the clerk shall be sworn to before him, and he is hereby authorized to administer the oaths to the persons giving in the same. The said list shall be filed, and from the same the said town clerk shall, within twenty days from the said last day of March in each and every year, make, in a book to be kept for that purpose, an alphabetical list of the persons and owners of property liable to taxation, in the same manner as tax lists are now made out by law for collection of State taxes. The said clerk shall also within twenty days from the said last day of March in each and every year, make out to the best of his knowledge, in the same book, a list of taxable polls and of owners of taxable property within said town, who have failed to give in a list in a manner and within the time prescribed above; and he shall state in said list if he can ascertain the sum at which the said property is assessed for taxation by the State; and if the said clerk cannot ascertain the sum at which said property is assessed for taxation by the State, he shall call on two freeholders of land in said town to value the said property, and they shall be sworn by the indendant of police or some justice of the peace to make a fair valuation; and the said clerk shall annex their valuation to said property; that all persons who shall fail to give in their tax list in the manner and within the time above prescribed shall pay a double tax for that year, the amount of which double tax shall be stated by said clerk in his list.

Sec. 18. Be *it further enacted*, That on or before the first day of May in each and every year, the said board of commissioners shall cause the said town clerk to make a fair copy of said list made by him as aforesaid, and they shall deliver the said copy to the tax collector, if one shall have been appointed, and if not, to the sheriff of said county of Cabarrus, together with a warrant under their hands and seals of those or a majority of them authorizing and directing the tax collector or said sheriff to collect said taxes in said list mentioned, and to make return thereof and of said warrant on a certain day therein to be mentioned; and the said tax collector or sheriff is hereby vested with all the powers and rights of the collection of said taxes which sheriffs have for the collection of State taxes; and said tax list and warrants shall be of the nature of a judgment and execution for the taxes therein mentioned.

Sec. 19. *Be it further enacted*, That the said board of commissioners shall have power annually to levy and cause to be collected in the manner above prescribed, the following taxes, that is to say, a tax not exceeding twenty cents on every hundred dollars value of all the lots and parcels of lots with the improvements thereon, situated within the limits of said town; a poll tax not exceeding two dollars on every poll liable to pay a poll tax to the State, who has resided or been principally employed within said town for three months immediately prior to the first day of February in each and every year; and all taxes laid on polls and real estate shall be in that relative proportion; a tax on all dogs being kept in said town, not exceeding one dollar on each; a tax on all hogs running at large in said town, not exceeding one dollar on each hog; a tax on all itenerant merchants and pedlers, not exceeding five dollars for each itenerant merchant or pedler, *provided* no tax shall be imposed on persons who shall sell books only; a tax on each and every person or company of stage players, sleight of hand performers, rope dancers,

tumblers and wire dancers, or company of circus riders or equestrian performers, and each and every person who shall exhibit artificial curiosities of any sort or kind, except models of useful inventions, for a reward, and every person or company who shall exhibit natural curiosities of any kind or sort, a tax not exceeding ten dollars on each and every person or company who may so play, perform or exhibit within the limits of said town, or within one mile of the limits of said town: and said commissioners shall have power to make all necessary or proper rules, regulations or ordinances for the giving in of the taxable articles aforesaid, and the laying and collecting the taxes thereon.

Sec. 20. *Be it further enacted*, That in case of a fire occurring in said town, it shall and may be lawful for the intendant of police, or in his absence, two commissioners to order the blowing up, pulling down or destroying any house or houses which he or they shall deem expedient to be blown up, pulled down or destroyed for the purpose of stopping the progress of the fire; and no person or persons whatsoever shall be held liable, civilly or criminally, for acting in such cases, in obedience to such orders.

Sec. 21. *Be it further enacted*, That the said board of commisioners shall have power to authorize in such manner as they may ordain, the formation of one or more volunteer fire companies in said town, to be attached to an engine which may belong to the corporation thereof, or to one or more individuals; they may enact by-laws for the government of said companies, which, when adopted by any company, the members thereof shall be governed by the same, and be liable for the fines and penalties thereby incurred. Any volunteer fire company so formed shall be entitled to elect its own officers; and the members thereof shall be exempt from military duty except in case of insurrection, invasion or of draft in time of war.

Sec. 22. *Be it further enacted*, That the said board of commissioners shall have power to organize a patrol for said town, either by hiring persons to act as such and paying them out of the treasury of the said town, or by enrolling all the free white male inhabitants of said town, of the age of eighteen years and upwards, except such as they may think proper to exempt by reason of their poverty, old age, or infirmity, and dividing them into classes of an equal number not exceeding five, to be arranged alphabetically, or drawn by lot from the persons so enrolled, as they may deem expedient. The said board of commissioners shall have power to enact by-laws for the government of said patrol so hired or appointed; and to impose fines and penalties for the infringement of any such by-laws so enacted, which fine and penalties when incurred by any minor shall be recovered from the parent, guardian or master if an apprentice, of such minor so offending. That the patrol so hired or appointed by the said board of commissioners, whilst on duty, shall have all the powers which patrols now have by law, and for the suppression of riots and disturbances, and the preservation of the public peace in said town, all the powers now vested in constables as peace officers.

Sec. 23. *Be it further enacted*, That the said board of commissioners shall have power by ordinance to prohibit all persons recently from any place or places where an infectious or contagious disease is believed to exist or recently to have existed, from entering; and all goods and chattles from being brought from said place or places within said town; and by ordinances to fix a penalty for the breach of any of the rules established by them upon this subject, which penalty shall be recovered from any and all persons who are liable thereto, by action of debt, in the name of the commissioners for the town of Concord, in any court having competent jurisdiction. The said commissioners shall also have power to take such other precautionary measures to prevent the in-

troduction of infectious or contagious diseases in the said town as they may deem expedient ; said commissioners upon the certificate of a physician that a dangerous and infectious or contagious disease is existing in any house within said town or in case the occupier of any house suspected to contain such disease, shall forbid or prevent the visit of a physician sent by said commissioners for the purpose of examination, shall also have power to forbid and prevent all persons from leaving said house and its enclosure, and to take such other steps to prevent communication with the person so infected and to arrest the spread of the disease as they may deem expedient, and to impose such penalty or penalties for the breach of their ordinances made for that purpose as they shall think proper. At any time upon the certificate of a physican that any slave or free negro is sick with a dangerous and infectious or contagious disease within said town, and that he can be removed without endangering his life, the said commissioners shall have power to cause said slave or free negro to be removed and confined to some convenient and proper place without said town; and shall cause him to be there attended to as befits his situation; and it shall be lawful for them to sue for and recover from any free negro or the owner of any slave so removed, the expenses of his or her removal, support, nursing and medical attendance during the time of his or her sickness, and also in case of his or her death, the expenses of burial, by writ in the name of the commissioners for the town of Concord, in any court having competent jurisdiction ; and any and all persons attempting to prevent or resisting the removal of said slaves or free persons from said town, shall be liable to indictment in the superior court of law for the county of Cabarrus, and on conviction, punished as for a misdemeanor ; the said commissioners shall have further power to impose such punishments on all slaves or free negroes violating this section or any of the ordinances of said commissioners made by virtue thereof,

or on a like subject matter, as they may deem expedient, not exceeding one month's imprisonment or thirty nine lashes.

Sec. 24. *Be it further enacted*, That it shall be the duty of said board of commissioners to keep the streets of said town in good order; and they shall have power to cause said streets to be drained, graded and paved; and to cause all accumulation of dirt or filth to be removed from them. That said commissioners shall have control over the public wells of said town, and it shall be their duty to cause them to be repaired and kept clean and in good condition, and provide new ones when necessary.

Sec. 25. *Be it further enacted*, That said board of commissioners shall have power to regulate the manner and terms on which bodies may be interred in the public cemetry within said town, and to keep the same in due order and repair; and also to purchase, when they may deem it proper, a piece of land within or beyond the limits of said town as a public cemetry; they shall also have the power to forbid any and all interments of dead bodies within the limits of said town, whenever they shall think it expedient to do so.

Sec. 26. *Be it further enacted*, That said board of commissioners shall have power to acquire by purchase any piece or parcel of land as public squares for said town; and also to acquire any piece by purchase or lease, as sites for markets or other buildings for the use of said town; and also to purchase or lease any piece or parcel of land, for the purpose of getting rock and gravel for the use of said town.

Sec. 27. *Be it further enacted*, That said board of commissioners shall have power to make from time to time rules and regulations concerning the firing of fire arms within said town; the pace and speed at which horses may be ridden and driven through the streets of said town; the arrangements of stove pipes in buildings, and the mode in which fire shall be kept or carried through said town, so as to prevent accidents from carelessness or negligence or indiscretion; to regulate the manner in which powder and other explosive and inflammable substances may be kept and sold within said

town; to regulate the manner in which dogs may be kept in said town; to prevent hogs from running at large in said town, whether said hogs shall belong to persons residing within or without said town; to cause all lots, cellars privies, stables and other places of like character to be visited and examined by the town constable or other persons at any time from the first day of June to the first day of November, in each and every year, and upon his written report that any of the above place or places is or are a nuisance, to cause by their order, the town constable to have the said place or places cleansed and nuisance abated; and the said town constable shall have power to enter the premises described in the said order and to perform the injunctions of the same; and the said commissioners shall have the power to recover the expenses of abating said nuisance from the occupier or owner of said premises by suits in any court having competent jurisdiction: said board of commissioners shall have further power to prohibit all trades or occupations which are nuisances from being carried on in said town, or to regulate the manner in which they shall be carried on so as to mitigate the nuisance. They shall also have the power to cause all ponds or sunken lots in which water stands and stagnates within said town, to be drained and filled up, and to recover from the owner or occupier of the land or lots aforesaid the expenses of such draining or filling up, which expense shall be a lien on the lot or land so drained or raised: *Provided always*, that the owners or occupiers of said lands or lots shall have had three months notice, in writing, of the intention of said commissioners, and shall have, during that time, neglected or refused to drain or fill up said ponds or sunken lots: They shall further have power to cause all nuisances, whether arising from stagnant pools or ponds of water, or from any other cause, without the limits of said town, but sufficiently near to affect the health of the inhabitants of said town, to be removed or abated, and to pay for the removing or abating of any such nuisance above described, out of any moneys in the treasury of said town.

Sec. 28. *Be it further enacted*, That said board of commissioners shall have power to regulate the manner in which provisions may be sold in the streets and markets of said town, and to regulate the manner in which the public markets and streets in said town may be used; and to affix penalties for the breach of their ordinances, which shall be recovered in the name of the Commissioners of the town of Concord before any court having competent jurisdiction.

Sec. 29. *Be it further enacted*, That said board of commissioners shall have power to make rules and regulations for enforcing the orderly conduct of slaves and free negroes within said town, and to impose punishments for the breach thereof.

Sec. 30. That the court of pleas and quarter sessions for the county of Cabarrus shall grant a license to retail spirituous liquors by the small measure within said town to no person who shall not have first obtained from the town clerk a certificate of the assent of said board of commissioners to his obtaining said license, which certificate shall be *prima facie* evidence of good moral character in the applicant, so as to supersede the necessity of proof by two witnesses as now required; and it shall be lawful for said board of commissioners to require the said applicant to pay to the town treasurer a sum not exceeding ten dollars, before the said town clerk shall give the certificate of said assent by the said board of commissioners.

Sec. 31. *Be it further enacted*, That all the forfeitures and penalties which are imposed by this act, or which shall or may be imposed by the ordinances of said board of commissioners, and which are not hereby, or shall not be by said ordinances directed to be recovered in any other manner or to any other use, shall be sued for and recovered in the name of the commissioners for the town of Concord; and all forfeitures so recovered, shall be paid to the town treasurer for use of said town.

Sec. 32. *Be it further enacted*, That the limits of the town of Concord shall hereafter be as follows, to wit: begin-

ning South 42 ½ ° E. 80 poles from the cross (×) of Corben and Union streets, N. 42½ ° W. 280 poles from the cross (×) of Corben and Union streets, to the Concord Factory line, 80 poles on each side of Union street.

Sec. 33. *Be it further enacted*, That all laws and clauses of laws inconsistent with this act, and all private acts of the General Assembly relating to the town of Concord, be, and they are hereby repealed.

Sec. 34. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXX.

AN ACT for the better regulation of the Village of Chapel Hill.

Section I. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That Manuel Fetter, Jesse Hargrave, Patterson H. McDade, Elisha Mitchell and Jones Watson, and their, successors in office, shall be a body politic and corporate, by the name of "The Commissioners of Chapel Hill;" and as such shall have all the powers and privileges necessary for the proper government of said village.

Sec. 2. *Be it further enacted*, That on the first Thursday in February, in every year, the citizens of Chapel Hill shall elect five persons Commissioners thereof, who shall remain in office one year and until the election of their successors.

Sec. 3. *Be it further enacted*, That no person shall be

eligible as a commissioner, unless he be a resident, and the owner of an acre lot or free-hold estate, of the value of five hundred dollars in said village; nor shall any person vote in said election but free white males of the age of twenty one years, subject to taxation, and residents therein for six months immediately preceding the day of election.

Sec. 4. *Be it further enacted*, That any Justice of the Peace, or any two citizens of the Village eligible to the office of commissioner, (in case there be no resident Justice of the Peace) may hold the election and determine who are elected.

Sec. 5. *Be it further enacted*, That the commissioners, as soon as may be after their election, shall choose a resident of the Village (not of their own body) a Magistrate of Police, to preside at their meetings and give the casting vote in case of a tie; a town Treasurer, constable and clerk. They shall ascertain and settle the boundaries of Chapel Hill, and cause a plot thereof to be recorded in the Journal of their proceedings; and may, on or before the first day of April in each year, assess the value of town property, lay such taxes on persons and property (students of the University and property owned by the Trustees thereof, excepted,) as they may deem proper, and apply the revenue arising therefrom to the construction, improvement and repair of the streets, and to such other purposes as they may deem conducive to the prosperity of the village.

Sec. 6. *Be it further enacted*, That the town constable, when directed by the commissioners, shall proceed to collect the taxes; and in the execution of this duty, shall have all the authority and may use all the means exercised and used by the Sheriffs of this State in the collection of public taxes.

Sec. 7. *Be it further enacted*, That all residents of the Village and persons owning property therein, shall, on or before the first day of April, annually, make a written statement of all taxable polls and property for which they

may be accountable, and deliver the same to the magistrate of police: any person failing to make such statement, or making a false statement, shall be subject to double tax; and it shall be the duty of the town constable, on the requisition of the commissioners, to proceed to collect the same on all such unreturned persons or property.

Sec. 8. *Be it further enacted*, That the commissioners shall appoint a patrol to consist of all white males, residents of said Village between the ages of twenty one and fifty years, (members of the Faculty and students of the University excepted,) and shall divide into as many companies as they may deem proper, and direct the time for the performance of duty by each company. Any person who shall fail to perform such duty, (except for good cause, to be judged of by the commissioners,) shall forfeit the sum of one dollar for each failure; and it shall be the duty of the town constable to collect and pay over the same to the town Treasurer.

Sec. 9. *Be it further enacted*, That it shall be the duty of the commissioners to adopt proper ordinances, and use all other lawful measures for the suppression of nuisances, the proper regulation of shop keepers, and the exclusion of itinerant venders of spirituous liquors, and all other articles the sale of which is not licensed by the laws of this State.

Sec. 10. *Be it further enacted*, That all enactments coming within the purview of this act, are hereby repealed, and this act shall be in force from and after its passage.

[Ratified 29th January, 1851.]

CHAPTER CCCXXXI.

AN ACT authorizing the Commissioners of Smithfield to sell Town Commons.

Sec. 1. Be *it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the commissioners of the town of Smithfield, Johnston county, shall have full power and authority to sell and convey to the purchaser or purchasers, the Commons attached and belonging to the said town of Smithfield, in such manner and upon such terms as they may deem most expedient, and to apply the proceeds of said sale as they may deem proper.

Sec. 2. *Be it further enacted*, That all laws coming in conflict with this act, be, and they are hereby repealed, and that this act shall be in force and take effect from its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXXII.

AN ACT giving a name to the county town of Forsyth county, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That hereafter the county town of Forsyth county shall be styled and known by the name of "Winston."

Sec. 2. Be *it further enacted*, That all the public records belonging to the county of Forsyth shall be deposited in the court house of the said county of Forsyth, in the respective offices to be assigned to them by the justices of said county.

Sec. 3. *Be it further enacted*, That all process, civil and criminal, issuing from said county shall run in the name of said county town, and be made returnable thereto.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 15th January, 1851.]

CHAPTER CCCXXXIII.

AN ACT to amend an act, passed at the session of 1846-'7, entitled "An Act for the better regulation of Nashville."

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That each and every part of the act of 1846-'7, entitled "An Act for the better regulation of the town of Nashville," which requires a freehold qualification in any case whatsoever, shall be and the same is hereby repealed.

Sec. 2. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXXIV.

AN ACT to amend an act, entitled "an act to incorporate the town of Charlotte in the county of Mecklenburg.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That William R. Reid, Robert M Robertson, William Johnson, Robert H. Brawley and Robert M. Jamison, and their successors in office, chosen and elected as hereinafter provided, be, and they are hereby created a corporation and body politic, under the name and title of "the Commissioners of the town of Charlotte," with full power to make all by-laws, not inconsistent with the constitution of this State and of the United States; to contract and be contracted with; to sue and be sued, to purchase, hold and convey real and personal estate; to plead and be impleaded by that name and title; and they are hereby invested with all powers and rights necessary or usually appertaining to municipal corporations.

Sec. 2. *And be it further enacted*, That the said William R. Reid, R. H. Brawley, Robert M. Robertson, William Johnson and R. M. Jamison, shall continue to hold their offices as commissioners of the town of Charlotte until a new election for commissioners for said town shall take place as hereinafter provided for.

Sec. 3. That hereafter the board of commissioners for said town of Charlotte shall be composed of an Intendant of Police and six commissioners; the Intendent of Police shall be elected anually and serve until another is elected and qualified; he shall be *ex officio* president of the board of commissioners, and have one vote therein. The six commissioners, (one of whom shall reside and continue to reside, whilst in office, in each of the great squares of said town, formed by the intersection of Trade and Tryon streets,) shall be elected annually and serve until their successors are elected and qualified.

Sec. 4. That the election of Intendant of Police and the commissioners for the town shall be held at the court house or such other place as may be officially appointed, and advertised on the second Monday in January, in each year: That the sheriff of Mecklenburg county, or a deputy by him appointed, or, in case of vacancy in the office of sheriff, the coroner of said county or a deputy by him appointed, shall advertise said election at least twenty days before the second Monday in January, 1852, and at least twenty days before the second Monday in January, in every year thereafter, and shall attend at said court house or other place as appointed and advertised, on the said day of election; and, at the hour of ten in the morning, shall open the polls of election, in the presence of two inspectors, appointed and qualified as hereinafter provided for; shall receive the tickets, and shall put those for commissioners of said town in one box, and those for Intendant of Police of said town in another box provided for that purpose. Each inspector shall personally, or by an agent chosen by him and duly sworn before some justice of the peace, shall take down in one list the persons voting for commissioners of said town, and in another list the names of persons voting for Intendant of Police of said town; and the said sheriff shall, in presence of said inspectors, at the hour of four in the afternoon, close the said polls, and at the said court house, or other place so appointed and advertised as aforesaid in presence of such of the electors as choose to attend, open the boxes containing the tickets, and examine and number ballots, and read aloud what appears upon each, and shall declare the person receiving the greatest number of votes for Intendant of Police [of said town, duly elected Intendant of Police] of said town, and shall, on demand, give a certificate to that effect; and shall declare the six persons receiving the greatest number of votes for commissioners duly elected commissioners of said town, and, on demand, give them certificates to that effect. When

two or more persons shall have the same number of votes, the sheriff or deputy, or coroner or deputy, shall give the casting vote; but the said sheriff or coroner, if holding the election, shall not vote in any other case whatever. And the said sheriff, or in case of a vacancy in the office of sheriff, the said coroner shall for every refusal or neglect to obey the requirements of this section, by himself or by deputy, by the said sheriff or coroner respectively appointed to hold said election as aforesaid, forfeit and pay two hundred dollars, to any person who shall sue for and recover the same, in any court having jurisdiction thereof, provided that such suit be brought within six months after the cause of action occurred. The said inspectors shall be appointed by the court of pleas and quarter sessions for the county of Mecklenburg at the term immediately preceding the day appointed for holding said election; and in case of a neglect by said court to appoint, or of a refusal or neglect of said inspectors, or either of them, to attend or act, a substitute for the one so acting or refusing shall be appointed on the day of election by one justice of the peace for said county, called on by the officer holding the election to make the appointment. Any person neglecting or refusing to act as inspector, when appointed in either of the ways aforesaid, shall forfeit and pay ten dollars, to any person who may sue for and recover the same, before the Intendant of Police for said town, provided suit be brought within six months next after the cause of action occurred.

Sec. 5. That no person shall be elected Intendant of Police or commissioner for the town of Charlotte, except a white male citizen of the full age of twenty one years, who shall have resided in said town six months next preceding the day of election, and who shall possess and continue to possess in said town a freehold assessed for taxation at a sum not less than five hundred dollars. And no coroner, sheriff or constable, or any deputy of either of these officers, shall be eligible as Intendant of Police.

Sec. 6. That any white male inhabitant of the town of Charlotte of the age of twenty one years, who shall have resided in said town six months, next preceding the day of the election, and shall have paid town tax, and also all white male citizens of the State of North Carolina of full age, who shall possess in said town real estate assessed for taxation at a sum not less than five hundred dollars, shall be entitled to vote for Intendant of Police and commissioners of said town.

Sec. 7. That if a vacancy shall at any time happen in the office of Intendant of Police or commissioner, by the refusal of the elect to qualify, by resignation, death or otherwise, it shall be the duty of the said board of commissioners, within one month after the happening of such vacancy, to elect some suitable person to fill the same. And any such Intendant of Police or commissioner, so elected, shall have the same powers, privileges and emoluments, as if chosen by the people.

Sec. 8. That on or before the Saturday next after their election, the Intendant of Police and commissioners shall meet at the Town Hall or some other place agreed upon by them, and shall there qualify by taking each an oath to support the Constitution and laws of the State, and to discharge the duties imposed upon them by law with fidelity and integrity and to the best of their ability; which oath shall be administered to the Intendant of Police by some Justice of the Peace for said county, or by the former Intendant of Police, and to the commissioners by the Intendant of Police, or in case of a neglect or refusal by him, then by the former Intendant of Police, or some Justice of the Peace for said county; and every person so elected Intendant of Police or commissioner, as aforesaid, neglecting or refusing to qualify and serve, shall forfeit and pay the sum of ten dollars, to any person who may sue for and recover the same, before the Intendant of Police or any Justice of the Peace for said

county, provided that suit be brought within six months after the cause of action occurred.

Sec. 9. It shall be the duty of the Intendant of Police to see that laws of the State and ordinances of the said commissioners are obeyed and executed within said town. He shall have power to issue warrants to the town constable, (whose appointment is hereinafter provided for,) or to the sheriff, or any constable of said county, founded on a complaint of a breach of any laws relating to said town or any of the ordinances of said commissioners, or brought for the recovery of any penalty or penalties given by said laws or ordinances, for the arrest of the person or persons complained against; to hear and determine said complaints, on the return of said warrants, under the same rules and regulations as are by law provided for trials before single justices of the peace; to give judgments on said warrants, and issue execution thereon, which judgment shall be final, unless appealed from in the manner hereinafter provided for. The said Intendant shall also be a peace officer, and shall have, within the limits of said town, all the powers of a justice of the peace, and of a constable, for the preservation of the public peace, detection, arrest and punishment of offenders. The said Intendant shall further have summary jurisdiction to hear and determine all breaches of the peace occurring within the limits of said town, not above the grade of misdemeanors, and to punish all offenders, if free white persons, by a fine not exceeding twenty dollars, or by imprisonment not exceeding twenty days; if free persons, but not white, then by fine and imprisonment as above, or by whipping not exceeding thirty nine lashes; if slaves, by a whipping not exceeding thirty nine lashes: and the owner or manager shall receive reasonable notice of time of trial, and a copy of the warrant for the arrest of said slaves, and in case of their conviction, shall be liable for the costs thereof: nevertheless, that it shall and may be lawful, in all cases, for the person or persons, (or in case of slaves, their owners or managers) against whom the Intendant of Police shall give

judgment or pass sentence, by virtue of the summary jurisdiction hereby given, or for breach of law or laws relating to said town, or of any ordinances of said commissioners, or for any penalties given by said law or odinances, to appeal from said judgment or sentence to the superior court of law for Mecklenburg county, first entering into recognizance, with good security, before the said intendant, for the appearance of said appellant or appellants, before the judge of the said superior court at the next term thereof, and for his, her or their performing and abiding the judgment of the said superior court. And the said person or persons praying said appeal shall be allowed ten days to obtain said security: *Provided*, that execution may nevertheless issue on said judgment or sentence forthwith; and nothing herein contained shall be so construed as to stay the same. The said Intendant of Police is further vested with the same jurisdiction and powers over all other offences committed by slaves, as is now by law given to a justice or justices of the peace out of court, under the same rules, regulations and restrictions as are provided in these cases. And the said Intendant of Police shall keep a faithful minute of all process, issued by or returned before him, and of his judgment or sentence, and all the proceedings thereon, in a bound book, and deliver the same to his successor. In case of an appeal, duly taken from any judgment or sentence of said intendant, he shall return the original and all other process in said court, together with a copy of his minutes of his judgment or sentence, and of all the proceedings therein, to the term of the court to which said appeal shall be taken, next ensuing the said appeal, on the first day of said term. The Intendant of Police, whilst in town, shall further have the same jurisdiction and power, for the trial of all civil matters and controversies, as is given to single justices of the peace. And he shall proceed under the same rules and regulations as are by law prescribed for them. And the said Intendant of Police shall, in all cases tried before him, be entitled to demand

and receive the following fees, that is to say: in breaches of the peace and all breaches of any of the ordinances of said commissioners, for every warrant, twenty five cents; for every subpœna or order to summons a witness, ten cents; for for every judgment, fifty cents; for every appeal granted and recognizance taken in pursuance thereof, twenty five cents; for filing copy of his minutes, fifty cents: in civil cases, for every warrant or attachment, ten cents; for every subpœna or order to summon a witness, five cents; for every judgment rendered upon any warrant, twenty five cents; for granting an appeal or stay of execution, ten cents; for every execution, ten cents; which said fees may be recovered and collected as other fees to officers are or may be collected; and the Board of Commissioners may, if they deem it expedient, allow said Intendant of Police an annual salary not exceeding two hundred dollars, to be paid out of the town treasury.

Sec. 10. That the said Board of Commissioners shall meet at the town hall, or some other place appointed by them, on the Saturday succeeding the second Monday in each month, and at such other times as may be agreed on, from time to time, by them; and a majority shall constitute a quorum for the transactions of any business.

Sec. 11. That at the first meeting of the Board of Commissioners, after their election, they shall appoint a clerk, who will be allowed a reasonable salary, to be fixed by said commissioners, who shall hold his office until the expiration of the official term of said commissioners, subject, however, to be removed by them at any time for misbehavior. Said clerk shall give a bond, with surety, payable to said commissioners and their successors in office, in a penal sum to be fixed by them, with a condition for the keeping by him of regular and fair minutes of the proceedings of commissioners at their meetings, and the safe keeping of all books, papers and articles committed to his custody during his continuance in office, and their delivery to his successor, and the

faithful performance of all his duties as clerk which may be imposed upon him by law or the ordinances of said commissioners.

Sec. 12. That at the same meeting the said board of commissioners shall appoint a town treasurer, who shall hold his office for the same term, and be subject to the same conditions as the clerk above prescribed for holds his office. He shall, before assuming his office, give bond, with approved sureties, in a penal sum to be fixed by said commissioners, payable to said commissioners and their succesors in office, with a condition that he shall receive and faithfully keep all monies which shall be paid to him on behalf of said commissioners, and deliver the same according to order given in obedience to the directions of said commissioners appearing on their minutes. That he shall keep a fair and a corret account of all monies so received and disbursed by by him, in a book kept for that purpose. That he shall submit said accounts to said commissioners, whenever required to do so; and that he shall pay to his successor, on demand by him, all monies in his hands belonging to said commissioners; and that he will faithfully perform all other duties imposed upon him as town treasurer, by law or the ordinances of said commissioners during his continuance in offic . The said commissioners shall allow the said town treasurer a reasonable compensation for his services. That the orders drawn on the town treasurer by the clerk shall state the purpose to which the money is to be applied, and the said town treasurer shall specify said purposes in general terms in the accounts kept by him, and also the sources whence the monies received by him are derived. And said commissioners shall cause a copy of said account for the year preceding every first day of December, to be made by their clerk, and posted in the court house in said town for twenty days previous to the first day of January, in each and every year; and for breach of their respective duties assigned them in this sec.

tion, the said commissioners, clerk and town treasurer shall be liable to indictment.

Sec. 13. That at the first monthly meeting of said commissioners after the appointment of said clerk and town treasurer, those officers shall respectively report to the commissioners the particulars of their settlement with their respective predecessors in office.

Sec. 14. That the said commissioners may also appoint a collector of town taxes, who shall hold his office for the residue of the term of commissioners appointing him, and who shall give bond, with approved security, payable to said commissioners and their successors in office, in a penal sum to be fixed by said commissioners, with a condition that he will diligently collect all taxes imposed by said commissioners, making use for hat purpose of all the powers given him by law, and that he will faithfully account for and faithfully pay over to the town treasurer all sums of money collected or received by him for said commissioners, first deducting five per centum on his receipts as his compensation. And that he will faithfully discharge all other duties imposed on him by law or the ordinances of said commissioners: *Provided*, that nothing herein contained shall be so construed as to prevent the said commissioners, shall they so determine, from requiring the sheriff of said county of Mecklenburg to collect the town taxes; and the said sheriff, when so required by the said commissioners, shall be subject to the same penalties, and shall proceed under the same rules and regulations, and shall be invested with the same powers as he is now subject to and invested by law for the collection of taxes due the State.

Sec. 15. That the said commissioners shall, at their first monthly meeting after their election, appoint a town constable, who shall hold his office for the residue of the official term of the commissioners, who appointed him, subject to be removed by them at any time for misbehavior: he shall give

a bond, in a penal sum to be fixed by said commissioners, payable to them and their successors in office, with a condition that he shall obey and diligently execute all lawful precepts to him directed by the Intendant of Police for said town, and that he will faithfully discharge all other duties which may be imposed by law or the ordinances of said commissioners, and that he will diligently endeavor to carry into effect all such ordinances. It shall be the duty of said town constable, in general, to see that the ordinances of said commissioners are enforced, and report all breaches thereof to the Intendant of Police; to preserve the peace of said town, by the suppression of disturbances and the apprehension of offenders; and for that purpose, he shall have and is hereby invested with all powers now vested by law in sheriffs and constables; he shall also have, in the execution of process to him directed, by the said Intendant of Police, the same powers that sheriffs and constables now have in the execution of like process directed to them. He shall receive a compensation to be fixed by said commissioners, and the same fees on all process executed or returned by him which are given to constables in like process executed or returned by them.

Sec. 16. That vacancies in the office of town clerk, town treasurer, tax collector and town constable may be filled by said board of commissioners at any time; and that the said commissioners may, if they deem the same expedient, continue the offices of town clerk and town treasurer, and vest them in one and the same individual, he giving the respective bonds hereinbefore prescribed for these offices, conditioned as above. And further, that said commissioners may in a similar manner combine the offices of tax collector and town constable, under the rules and regulations above mentioned.

Sec. 17. That the said town clerk shall, within the first seven days in March, in each and every year, advertise for four weeks in one or more papers published in said town, or for want of newspapers, in three or more public places there-

in, notifying all persons subject to pay a poll tax to the State who resided within the limits of said town, on the first day of February immediately preceding, or who had been principally employed in any profession or vocation in said town for three months or more immediately preceding the said first day of February, and all persons who owned or were possessed of taxable property within said town on the said first day of February, to give in to him, before the last day in said month of March, a list of their said polls and taxable property; and it shall be the duty of all such persons to give in said list within the time specified. Said list shall state the number and local situation of the lots or parts of lots given in, with the value of which they are assessed for taxation by the State, the number of white taxable polls, of taxable slaves, and of taxable free negroes residing on the first day of February on the lands of persons giving in said list; and the list so given in to the town clerk, shall be sworn to before him, and he is hereby authorised to administer the oath, by [to?] the person giving in the same. The said lists shall be filed, and from the same, the town clerk shall within twenty days from the said last day of March, in each and every year, make, in a book to be kept for that purpose, an alphabetical list of the persons and owners of property liable to taxation, in the same manner as tax lists are made out by law for collection of State taxes: the said clerk shall also, within twenty days from the said last day of March, in each and every year, make out to the best of his knowledge in the same book a list of taxable polls and of the owners of taxable property within said town, who have failed to give in a list in the manner and within the time prescribed above. And he shall state in said list, if he can ascertain the sum at which such property is assessed for taxation by the State; and if the said clerk cannot ascertain the sum at which said property is assessed for taxation by the State, he shall call on two freeholders of land within the said town to value the said property, and they shall be sworn by the Intendant of Police, or some justice of the peace, to make a fair valua-

tion; and the said clerk shall annex their valuations to said property. That all persons who shall fail to give in tax list in the manner and within the time above prescribed, shall pay a double tax for that year, the amount of which double tax shall be stated by said clerk in his said list.

Sec. 18. That on or before the first day of May in each and every year, the said board of commissioners shall cause the said town clerk to make a fair copy of said list made by him as aforesaid, and they shall deliver the said copy to the tax collector, if one shall have been appointed, and if not, to the sheriff of said county of Mecklenburg, together with a warrant, under their hands and seals of those, or a majority of them, authorising and directing the tax collector or said sheriff to collect said taxes in said list mentioned; and to make return thereof and of said warrant on a certain day therein to be mentioned; and the said tax collector or sheriff is hereby vested with all powers and rights, for the collection of said taxes, which sheriffs have for the collection of State taxes; and the said tax list shall be of the nature of a judgment and execution for the tax therein mentioned.

Sec. 19. That the said commissioners shall have power annually to levy and cause to be collected, in the manner above prescribed, the following taxes, that is to say, a tax not exceeding fifty cents on every hundred dollars value of all the lots and parcels of lots with the improvements thereon situated within the limits of said town; a tax of not exceeding thirty cents on every hundred dollars value of all personable property now taxable by the State; a poll tax not exceeding two dollars on every poll liable to pay a poll tax to the State, who has resided or been principally employed within said town for three months next immediately prior to the first day of February, in each and every year: And all taxes laid on polls or real and personal estate, shall be in that relative proportion: A tax not exceeding fifty dollars on every lisenced shop for retailing spiritous liquors, every bowling alley, and billiard table; a tax on all hogs whether

running at large or confined in pens therein and whether owned by persons residing in said town or by any other persons whatsoever, not exceeding three dollars on each hog; and in laying said tax, said commissioners may discriminate between hogs running at large and hogs confined in lots or pens: a tax on all stoops, steps, cellar doors, porches or piazzas encroaching more than two feet on the public street or side walk: A tax on all itinerant merchants and pedlars, not exceeding ten dollars for each itinerant merchant or pedlar: *Provided*, no tax shall be imposed on persons who shall sell books only: A tax on each and every company of stage players, sleight of hand performers, rope dancers, tumblers and wire dancers, or company of circus riders or equestrian performers, and each and every person who shall exhibit artificial curiosities of any sort or kind, except models of useful inventions, for a reward, and every person or company who show natural curosities of any kind or sort, a tax not exceeding twenty dollars on each and every person or company who may so play, perform or exhibit within the limits of said town. And said commissioners shall have power to make all necessary or proper rules regulations or ordinances for the giving in of the taxable articles aforesaid, and the laying and collecting the taxes thereon.

Sec. 20. That in case of fire occurring in said town it shall and may be lawful for the intendant of police, or, in his absence, two commissioners, to order the blowing up or pulling down or destroying any house or houses which he or they shall deem expedient to be blown up, pulled down or destroyed, for the purpose of stopping the progress of the fire: and no person or persons whatsoever shall be held liable civilly or criminally for acting in such case in obedience to such orders.

Sec. 21. That the said board of commissioners shall have power to authorise in such manner as they may ordain for* the formation of one or more volunteer fire companies in said town, to be attached to an engine or engines which may

belong to the corporation thereof, or to one or more individuals. They may enact by-laws for the government of said companies, which when adopted by any company, the members thereof shall be governed by the same, and to be liable to the fines and penalties thereby incurred. Any volunteer company so formed shall be entitled to elect its own officers, and the members thereof shall be exempted from militia duty, except in cases of insurrection, invasion or of draft in time of war.

Sec. 22. That the said board of commissioners shall have power to organize a patrol for said town, either by having [hiring ?] persons to act as such and paying them out of the treasury of said town, or by enroling all the free white male inhabitants of such [said ?] town of the age of eighteen years and upwards, except such as they deem proper to exempt by reason of their poverty, joined with old age or infirmity; and dividing them in classes of an equal number (not exceeding ten) to [be] arranged alphabetically or drawn by lot from the persons enrolled, as they may deem expedient. The said board of commissioners shall have power to enact by-laws for the government of said patrol so hired or appointed, and to impose fines and penalties for the infringment of any such by-laws so enacted, which fine and penalties, when incurred by a minor, shall be recovered from the parent, guardian or master (if an apprentice) of such [minor so offending. That the patrol so hired or appointed by the said board of commissioners, whilst on duty shall have all the powers which patrol now have by law and for the suppression of riots and disturbances and the preservation of the public peace in said town all the powers now vested in constables as peace officers.

Sec. 23. That the said board of commissioners shall have power by ordinance to prohibit all persons recently from any place or places where an infectious or contagious disease is believed to exist or recently to have existed, from entering the town of Charlotte; and all goods and chattels from be-

ing brought from said place or places without said town; and by ordinances to fix a penalty for the breach of any of the rules established by them upon this subject, which penalty shall be recovered from any and all persons who are liable thereto by action of debt, in the name of the commissioners for the town of Charlotte, in any court having competent jurisdiction. The said commissioners shall also have power to take such other precautionary measures to prevent the introduction of infectious or contagious diseases in said town, as they may deem expedient.

Said commissioners, upon the certificate of a physician that a dangerous and infectious or contageous disease is existing in any house within said town, or in case the occupier of any house suspected to contain such disease shall forbid or prevent the visit of a physician sent by said commissioners for the purpose of examination, shall also have power to forbid and prevent all persons from leaving said house and its enclosures, and take such other steps to prevent communication with the persons so infected, and to arrest the progress of the disease, as they may deem expedient; and to impose such penalty or penalties for the breach of this ordinance or ordinances, as they shall think proper; at any time upon the certificate of a physician that any slave or free negro is sick with a dangerous or infectious or contagious disease within said town, and that he can be removed without endangering his life, the said commissioners shall have power to cause said slave or free negro to be removed and confined to some convenient and proper place without said town, and shall cause him to be there attended to as befits his situation. And it shall be lawful for them to sue for and recover from any free negro or the owner of any slave so removed, the expense of his or her removal, support, nursing and medical attention during the time of his or her sickness; and also in case of his or her death, the expenses of burial, by writ in the name of the commissioners of the town of Charlotte, in any court having competent jurisdiction. Any and all per-

sons attempting to prevent or resisting the removal of said slaves or free persons from said town shall be liable to indictment in the superior court of law for the county of Mecklenburg, and, on conviction, punished as for a misdemeanor. The said commissioners shall have further power to impose such punishments on all slaves or free persons violating this section, or any of the ordinancess of said commissioners made by virtue thereof, or on a like subject matter, as they may deem expedient, not exceeding one month's imprisonment or thirty-nine lashes.

Sec. 24. That it shall be the duty of said board of commissioners to keep the streets of said town in good order; and they shall have the power to cause said streets to be drained, graded and paved, and to cause all accumulations of filth to be removed from them: they shall also have power to lay out new streets, widen those already laid out, and such other improvements as the public conveniences may require; that said board of commissioners shall have control over public wells of said town, and it shall be their duty to cause them to be repaired and kept clean and in good condition, and provide new ones when necessary.

Sec. 25. That said board of commissioners shall have power to regulate the manner and terms on which bodies may be interred in the public cemetery within said town, and to keep the same in due order and repair; and also to purchase, when they deem it proper, a piece of land within or beyond the limits of said town as a public cemetery; they also shall have power to forbid any and all interments of dead bodies within the limits of said town, whenever they shall deem it expedient to do so.

Sec. 26. That said board of commissioners shall have power to acquire by purchase any piece or pieces of land as squares for said town, and also to acquire any pieces by purchase or release as sites for markets or other buildings, for said town.

Sec. 27. That said board of commissioners shall have power to make from time to time, rules and regulations concerning the firing of fire arms and all explosions within said town, the pace and speed at which horses may be driven through the streets of said town, the arrangements of stove pipes in buildings, and the mode in which fire shall be kept or carried through said town, so as to prevent accidents from carelessness or negligence or indiscretion; to regulate the manner in which powder and other explosive and inflammable substances may be kept and sold within said town; to regulate the manner in which dogs may be kept in said town; to prevent hogs from running at large in said town, whether said hogs shall belong to persons within or without said town; to prevent hogs from being confined in lots or pens in said town during the summer and fall months; to cause all lots, cellars, privies, stables and other places of like character to be visited and examined by the town constable or other persons at any and all times from the first day of June to the first day of November, in each and every year, and upon his written report that any of the above is or are a nuisance, to cause by their orders the town constable to have said place or places cleansed and the nuisance abated; and the said town constable shall have authority to enter the premises described in the said order, and to perform the inspection of the same; and the said commissioners shall have the power of recovering the expenses of abating said nuisance from the occupier or owner of said premises, by suit in any court having competent jurisdiction; said board of commissioners shall have further power, to prohibit all trades or occupations which are nuisances from being carried on in said town, or to regulate the manner in which they shall be carried on, so as to mitigate the nuisance. They shall have power to cause all ponds or sunken lots in which water stands and stagnates in said town, to be drained and filled up, and to recover from the owner or occupier of the lots or lands aforesaid the expense of such drainage

or filling up, which expense shall be a lien on the lot or land so drained or raised: *Provided always*, that the owner or occupier of said lots or lands shall have had three months notice, in writing, of the intention of said commissioners, and shall have, during that time, neglected or refused to drain or fill up said ponds or sunken lots. They shall further have power to cause all nuisances, whether arising from stagnant pools or ponds of water or from any other cause without the limits of said town, but sufficiently near to affect the health of the inhabitants of said town, to be removed or abated, and to pay for the removing or abating any such nuisance above described out of any moneys in the treasury of said town.

Sec. 28. That said board of commissioners shall have power to regulate the manner in which provisions may be sold in the streets and markets of said town, and to regulate the manner in which the public markets and streets in said town may be used, and to affix the penalties for the breach of their ordinances which shall be recovered, in the name of the commissioners of the town of Charlotte, before any court having competent jurisdiction. They also shall have power to erect a market house, and such other buildings as the interest and convenience of the citizens may require.

Sec. 29. That said board of commissioners shall have power to make rules and regulations for enforcing the orderly conduct of slaves and free negroes within said town, and to impose punishments for breach thereof.

Sec. 30. That the Court of Pleas and Quarter Sessions for the county of Mecklenburg, shall grant license to retail spirituous liquors, by the small measure, within said town, to no person who shall not have first obtained from the town clerk, a certificate of the assent of said board of commissioners to his obtaining said license, which certificate shall be *prima facie* evidence of good moral character in the applicant, so as to supersede the necessity of proof by two witnesses as now required.

Sec. 31. That all the taxes forfeitures and penalties which are imposed by this act, or which shall or may be imposed by the ordinances of said board of commissioners, and which are not hereby or shall not be by said ordinances directed to be recovered in other manner or to any other use, shall be sued for and recovered in the name of the commissioners of the Town of Charlotte; and all forfeitures so recovered, shall be paid to the town treasurer for the use of said town.

Sec. 32. That all laws and clauses of laws inconsistent with this act, be, and they are hereby repealed.

Sec. 33. That William R. Reid, William Johnson, R. M. Robertson, R. M Jamison, and R. H. Brawley, commissioners as aforesaid, shall have power and are hereby authorised to elect one of their number Intendant of Police, who shall, when so elected, be clothed with all the powers and privileges hereinbefore prescribed for the Intendant of Police to be elected by the people.

Sec. 34. That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXXV.

AN ACT giving a name to the county town of Stokes, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That hereafter the county town of Stokes county shall be styled and known by the name of "Crawford."

Sec. 2. *Be it further enacted*, That the courts of pleas and quarter sessions, and courts of law and equity for Stokes county, shall be holden in the court house in the town of Crawford, from and after the second Monday in June next.

Sec. 3. *Be it further enacted*, That all the public records belonging to the county of Stokes, shall be deposited in the court house of said county of Stokes, in the respective offices to be assigned to them by the justices of said county.

Sec. 4. *Be it further enacted*, That all process, civil and criminal, issuing from said court, shall run in the name of said county town, and be made returnable thereto.

Sec. 5. *Be it further enacted*, That this act shall go into effect from after its ratification.

[Ratified 17th January, 1851.]

CHAPTER CCCXXXVI.

AN ACT to authorize the citizens of the town of Clinton, in Sampson county, to elect commissioners for said town.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the sheriff of Sampson county, either by himself or his lawful deputy, on the first Saturday in May in each and every year, to open polls for the election of five commissioners for the town of Clinton, to continue in office for the term of one year and after until others duly chosen and qualified shall have entered upon the duties of their office: *Provided*, that no one shall be

eligible as commissioner who has not resided six months preceding his election within the limits of said town, and is an actual resident at the time of his election.

Sec. 2. *Be it further enacted*, That the said commissioners shall possess full power and authority to enact and adopt all such by-laws, rules and regulations as they, or a majority of them, may deem necessary for the good order and government of said town, provided the same be not inconsistent with the constitution of this State or of the United States.

Sec. 3. *Be it further enacted*, That every inhabitant of said town, who has resided three months therein, and who is qualified according to the constitution to vote for members of the House of Commons, shall be entitled to vote in said elections; and such elections shall be by ballot; and in the event of a tie, the sheriff or his lawful deputy aforesaid shall give the casting vote.

Sec. 4. *Be it further enacted*, That said commissioners, after their election and before entering on the duties of their office, shall take an oath, before some justice of the peace of the county aforesaid, faithfully and impartially to perform said duties.

Sec. 5. *Be it further enacted*, That this act shall take effect from and after its ratification, and that all laws and clauses of laws coming in conflict with any of the provisions of this act, are hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER CCCXXXVII.

AN ACT to revive an act, passed at the session of 1842 & 43, entitled "an act to incorporate Elizabethtown."

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, an act, passed at the session of 1842–'43, entitled "an act to incorporate Elizabethtown, in Bladen county," be, and the same is hereby revived; and that James Child, N. N. Robinson, William White, James J. McRee, Alex. Carter and James M. White, be, and they are hereby appointed commissioners of said town, who shall have and possess the same powers and authorities as contained in the before recited act.

Sec. 2. *Be it further enacted*, That the third section of the above mentioned act be so altered and amended, as to authorize said commissioners to lay and collect annually a tax not exceeding seventy five cents on every taxable poll.

Sec. 3. Be *it further enacted*, That said commissioners shall each take an oath, before some justice of the peace of said county, faithfully and impartially to discharge their duties.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXXXVIII.

AN ACT to amend an act, passed at the session of 1830–'31, entitled "an act to establish the town of Gatesville, in the county of Gates," and to incorporate the same, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That William J. Baker, William G. Daughtery, Owen B. Savage, Miles Gatling, Shadrick W. Warrill, Willis F. Reddick and Thomas Reddick, be, and they are hereby appointed commissioners for the town of Gatesville, in the county of Gates; and they and their successors shall have power to make and adopt such rules and regulations for the government of said town, as they may deem just and proper, not inconsistent with the constitutions of the State and United States and the general law of the land; and the said commissioners shall have power also to establish the boundaries and limits of the said town of Gatesville, provide for a town watch, and do such other acts and things as they may deem the interest of the said town requires.

Sec. 2. *Be it further enacted,* That in case of any vacancy occasioned by death, resignation or removal of one or more of the said commissioners, it shall be the duty of the free white men of said town, under the direction of the surviving commissioners, to proceed to fill said vacancy, by selection of some other person residing or owning real estate in said town.

[Ratified 28th January, 1851.]

CHAPTER CCCXXXIX.

AN ACT to incorporate the town of Hamilton, in Martin County.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the corporate limits of the town of Hamilton, in the county of Martin, be as follows, to wit: beginning at the mouth of a small gut at Hamilton landing, on the Roanoke River, thence running down and along said River South 13° E. 123¾ poles; thence S. 51½° W. 126¼ poles; thence N. 40° W. 101¼ poles; thence N. 55° 30¾ poles; thence N. 71° W. 32½ poles; thence N. 40° W. 62¾ poles; thence N. 50½° E. E. 72½ poles; thence N. 74° E. 93¾ poles; thence S. 74° E. 86¾ poles to the beginning.

Sec. 2. *Be it further enacted*, That B. Bennell, P. Clements, Joseph Waldo, Samuel T. Johnson and T. L. Ledden and their successors in office are hereby appointed commissioners for the said town of Hamilton; and the commissioners and their successors are hereby incorporated into a body politic, by the name of "The Commissioners of the town of Hamilton," and by said name, shall have succession, sue and be sued; and shall have power from time to time and at all times hereafter to adopt such rules and regulations and pass such by-laws and ordinances as by them, or a majority of them, may be deemed necessary for the good government of the said town; and such rules, regulations and ordinances so passed shall be as binding as if they were here especially enacted, provided they are not inconsistent with the Constitution and laws of the United States or of this State.

Sec. 3. *Be it further enacted*, That the said commissioners and their successors, before entering on the duties of their office, shall take an oath before some Justice of the Peace of the county of Martin, that they will faithfully discharge their duties.

Sec. 4. *Be it further enacted*, That all powers of the commissioners herein named shall terminate as soon as their

successors shall be duly elected, and a majority of those elected shall be qualified; and the powers of all commissioners who may be hereafter elected shall terminate in like manner when their successors are elected and a majority qualified.

Sec. 5. *Be it further enacted*, That an election shall be held in some place previously advertised in Hamilton, on the first Thursday in February next, for commissioners, which election shall be duly advertised by the town constable for twenty days before the said day of election, at three public places in said town; and no person shall be eligible to the office of commissioner who shall not be a freeholder in said town, and who shall not have resided in said town for six months immediately preceding the day of election. All free white men of the age of twenty-one years, residing in said town, and having resided therein for six months previous to the day of election, shall be allowed to vote at said election; and it shall be the duty of the board of commissioners to appoint two freeholders as inspectors of the polls at said election, who shall be summoned as other poll keepers in this State; and in the event of a tie, the town constable shall give the casting vote. If the board of commissioners shall fail to appoint inspectors of the Polls, it shall then be the duty of the Magistrate of Police to make the appointment, or, in his absence, it shall be the duty of the town constable.

Sec. 6. *Be it further enacted*, That an election for commissioners shall be held in like manner, on the first Thursday in February in each and every year; and that it shall be the duty of the commissioners who may be elected, to qualify within ten days thereafter, under a penalty of twenty dollars, to be recovered of each delinquent, by warrant, in the name of the commissioners of said town: *Provided* that due notice shall be given said commissioners elected within five days after said election.

Sec. 7. *Be it further enacted*, That upon the death, resignation, removal from the said town, refusal or inability to

act of any of said commissioners, the remaining commissioners shall have full power and authority to fill such vacancy by the appointment of some other fit person or persons; and the commissioner or commissioners so appointed shall have the same power, and be under the like restrictions as he or they were in whose stead they were appointed.

Sec. 8. Be *it further enacted*, That the commissioners appointed in virtue of this act, or a majority of them, and their successors in office, or a majority, are hereby authorised and empowered to levy and collect such taxes on the property and inhabitants of said town, not exceeding thirty cents on the hundred dollars valuation of real estate, and not to exceed one dollar on each taxable poll, as they shall deem necessary for the repair of the streets of the said town, and for the good of the corporation: *Provided*, that not more than one tax shall be levied in any one year.

Sec. 9 *Be it further enacted*, That said board of commissioners shall have power to lay a tax not exceeding five dollars upon every person or company of stage players, sleight of hand performers, rope dancers, tumblers and wire dancers, or company of circus riders, or equestrian performers, who may perform in said town, and upon each and every person or company who shall exhibit artificial curiosities of any kind or sort in said town, except models of useful inventions, for a reward; and also a tax not exceeding two dollars and fifty cents, upon every person or company, who may exhibit natural curiosities of any kind in said town for a reward; which said taxes are to be collected by the town constable, in the same manner as similar taxes are collected by the sheriff, and are to be accounted for in the same manner as other corporation taxes heretofore mentioned.

Sec. 10. *Be it further enacted*, That the said board of commissioners shall have power and authority to appoint a magistrate of police, a town treasurer and constable, and such other officers as they may deem necessary. The town

constable shall be collector of the town tax, under the direction of the said commissioners; and for that purpose, shall have all the powers and immunities of sheriffs in the collection of the public revenue; and the said constable shall have power to collect all fines and forfeitures, incurred by virtue of this act, in the same form and manner as in ordinary cases, by warrant before any justice of the peace of said county; and he shall be entitled to the same fees as constables in the like cases are entitled to demand; and for collecting taxes, he shall be allowed the same compensation as sheriffs for collecting the public taxes; and the said magistrate of police, treasurer and constable shall hold their offices for one year from and after their appointment, and until others are chosen.

Sec. 11. *Be it further enacted*, That the town constable shall be required by the board of commissioners to give bond with security to be approved of by them and in their discretion, not exceeding the penal sum of one thousand dollars, payable to the State of North Carolina, and conditioned for the faithful collection of all taxes and forfeitures of corporation of Hamilton according to law, and for his faithful performance of duty in all respects; and the same remedies are allowed upon said bond which are now provided by law upon the official bonds of sheriffs and constables. If said constable shall fail to perform his duty towards said corporation of Hamilton, it shall be the duty of the board of commissioners to bring suit upon his said bond.

Sec. 12. *Be it further enacted*, That it shall be the duty of said board of commissioners to take a bond from the town treasurer, with such security as may be approved of by them, payable to the State of North Carolina, and in their discretion, not exceeding the penal sum of fifteen hundred dollars, conditioned for the faithful performance of his duty in office, to be sued upon and recoveries effected in the same manner as suits are brought and recoveries effected upon the official

bonds of sheriffs and other officers; and if said treasurer shall fail to perform his duties, it shall be the duty of said board of commissioners to bring suit upon said bond.

Sec. 13. *Be it further enacted*, That the town treasurer shall be entitled to receive such compensation, not exceeding five per cent. on the monies received by him, as the board of commissioners may deem just and reasonable.

Sec. 14. *Be it further enacted*, That the commissioners of the said town of Hamilton are hereby authorised and empowered to quarantine all boats, vessels and other crafts, stopping or anchoring at or near the corporate limits of said town of Hamilton, having on board the small pox, yellow fever, or other disease which may be considered infectious or contagious and dangerous to the health of the citizens of said town, at such distance above or below said town, in the Roanoke River, and for such time, as they may deem proper, not to exceed five miles in distance, nor for a longer time than than thirty days; and quarantine all persons who may stop in said town with small pox, yellow fever, or any infectious or contagious disease for such time, and distance beyond the corporate limits of said town, as they may think the health of the inhabitants of the said town demands, not to exceed three miles in distance, nor for a longer time than twenty days; and shall furnish said person or persons with suitable attention, board and lodgings, and medical aid, as the case may require: *Provided*, that no boat, vessel, or other craft, nor any person as aforesaid shall be quarantined, so near any person's residence or plantation or any other place where hands or persons may be employed as to render it dangerous to the health of him, her or them.

Sec. 15. Be *it further enacted*, That the said commissioners shall have power to appoint a patrol of one or more persons for the said town, to be under the same rules and regulations, as are prescribed (by the) for the government of that description of public functionaries; and the said commissioners are hereby authorized to make to the patrol so to

be appointed such compensation for their services as they deem just and proper.

Sec. 16. *Be it further enacted*, That the said board of commissioners shall have power to appoint an overseer of the streets; and it shall be the duty of said overseer to keep said streets in good and sufficient repairs; and for failure to perform his duty he shall be liable to the same penalty and the same punishment as overseers of the public roads for a failure to perform the duties required of them by law.

Sec. 17. *Be it further enacted*, That all persons within the limits of said corporation, who are by law liable to work on public roads, shall be liable to work on said streets; and for a failure to do so, shall be subject to the same penalties which are now provided by law against those who fail when duly summoned to work on the roads; which said penalties are to be recovered of the fathers or guardians, in the case of minors failing to work on the streets, and owners, in case of slaves. All persons liable to work on the streets are to be summoned and notified in the same manner as persons liable to work on public roads; and the overseer of the streets shall be a competent witness to prove due notice or summons in the trial of all warrants for penalties: and all penalties for failure to work on the streets shall be recovered in the name of the commissioners of the town of Hamilton; and the money is to be applied by them to the keeping of said streets in repair.

Sec. 18. *Be it further enacted*, That no overseer shall be liable for the insufficiency of the streets committed to his care until ten days after he has been served with a copy of his appointment, by the town constable, and that no person complying with the requirements of this act concerning overseers of the streets shall be compelled to act in that capacity more than one year in three.

Sec. 19. *Be it further enacted*, That the said commissioners are fully empowered to preserve and protect the pub-

lic ground and streets of said town from all encroachments and obstructions; and wherever the public ground or streets are enclosed or encroached on, they sh ll have full power to remove all obstructions or levy an annual tax n t exceeding one dollar for every square foot of ground occupied or encroached on: *Povided*, at all times, if the said commissioners or a majority of them may deem such encroachment for the public good, they may permit the same to remain; *and provided*, that nothing herein contained shall be so construed as to authorise the commissioners of the said town to change the streets and lines of the public square as now laid out in the plat of said town, nor shall they in any manner change or alter the line or lines of any lot or lots in said town without the written consent of the owner or owners thereof.

Sec. 20. *Be it further enacted*, That whenever any tax may be levied on any real estate in the town of Hamilton, by authority of this act, it sha l be the duty of the commissioners of said town, or a majority of them, to appoint three freeholders in said town as assessors, who shall take an oath before the Magistrate of Police to faithfully discharge their duties as assessors as aforesaid, and estimate the value of all lands, with the improvements thereon, within the corporate limits of said town, and return a list of the same to the commissioners aforesaid, with the name of the owner or owners of each lot, with number and value thereof within ten days after their appointment.

Sec. 21. *Be it further enacted*, That when any tax may be levied by the commissioners of the said town of Hamilton, in pursuance of this act or any ordinance or by-law authorised by this act, or any other ordinance or by-law shall be passed to which a penalty is annexed, the same shall be advertised for thirty days at three or more public places in said town, or due notice given thereof, before the inhabitant of said towns shall be liable thereto: *Provided*, that whenever said commissioners shall deem it expedient that an ordinance or by law shall take effect and be in force im-

mediately and so declare, all shall be liable who receive due notice thereof: *Provided*, that no tax shall be due and payable until the ordinance or by-law shall be advertised thirty days as aforesaid.

Sec. 22. *Be it further enacted*, That it shall be the duty of all persons liable for taxes by the commissioners of said town, in pursuance or by authority of this act, to present to the magistrate of police a list or lists on oath of all taxable polls within the corporate limits of said town, and within the time prescribed for notice to be given; and it shall be the duty of the magistrate of police to advertise for ten days when and where he may be found to receive the same. And all persons failing to present their list as aforesaid, shall pay a double tax, unless otherwise ordered by the commissioners.

Sec. 23. *Be it further enacted*, That it shall be the duty of the Magistrate of Police to make out a list of all the taxable polls taken by him, and return the same to the commissioners within ten days after the expiration of the thirty days within which persons are to give in their tax list; and it shall be the duty of the magistrate of police and he is hereby authorised and empowered to issue all process and determine all causes necessary to carry into effect this act, and all ordinances and all by-laws passed by the commissioners of the said town of Hamilton in pursuance or by authority of this act; and issue all process and determine all causes necessary to punish all misdemeanors and offences against the criminal law of this State committed within the corporate limits of said town of Hamilton, the same as justices of the Peace now have in like causes, misdemeanors, and offences in the county.

Sec. 24. *Be it further enacted*, That when a tax upon the real estate in said town shall be imposed as aforesaid, and the same is not paid by the owners thereof, the town constable may and he is hereby directed to advertise in three public places in said town for at least three months a sale

of any lots for which the taxes remain unpaid, and sell the same at public auction to the highest bidder: he shall give to the purchaser a receipt for the purchase money, and the proceeds of sale he shall pay to the town treasurer, deducting therefrom such sum as may be allowed him by the commissioners for his compensation in relation thereto; and he shall report in detail an account of any such sale, which report shall be spread upon the records of said town. Any owner of a lot sold as aforesaid may within twelve months after any such sale pay to the said commissioners the expenses incurred in the sale aforesaid, the taxes imposed and due upon said lot and twenty-five per cent. upon the purchase money aforesaid, and thereupon the commissioners aforesaid shall annul the sale of any lot for which payment shall be made as aforesaid; and it shall be the duty of the commissioners to refund to the purchaser the purchase money aforesaid, with the addition of the twenty-five per cent. aforesaid. But for all such lots whereof the owners shall not, within the twelve months aforesaid, make the payment aforesaid, it shall be the duty of the commissioners to direct the town constable for the time being to execute a title to the purchaser thereof, which shall vest in such purchaser a fee simple title to any such lots, and the purchase money thereof, shall belong to the said town; saving, however, the rights of infants and *femes covert*, provided they apply within twelve months after their arrival at full age or becoming discovert.

Sec. 25. Be *it further enacted*, That all laws and clauses of laws concerning and relating to the incorporation of the town of Hamilton, in the county of Martin, are hereby repealed.

Sec. 26. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXL.

AN ACT for the better government of the town of Elizabeth City, in the county of Pasquotank, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the town of Elizabeth City shall be governed by a mayor and five commissioners, who shall be chosen annually, on the last Saturday in December in each and every year, by the free white male inhabitants of said town above the age of twenty-one years, who have been residents thereof for one year immediately preceding the day of election, and who shall have paid their town taxes, assessments and dues up to the time of election.

Sec. 2. *Be it further enacted*, That the sheriff of the county of Pasquotank, or his deputy, under the direction and inspection of two commissioners appointed by the corporation of the said town, and who shall be owners in fee or for life of a lot within the said town, to receive the votes for the election of a mayor and commissioners, under the same rules and regulations that govern elections for members of the House of Commons, provided, nevertheless, that the poll shall be opened at nine o'clock in the forenoon, and close at four o'clock in the afternoon of every such election day.

Sec. 3. *Be it further enacted*, That it shall be the duty of the said sheriff or his deputy, on the Monday following such election day, to furnish the persons so elected with a certificate thereof; and each and every person so elected, before entering upon the duties of his said office and within ten days after having received such certificate, shall, before some justice of the peace of Pasquotank county, take an oath, or affirm, as the case may be, that he will faithfully discharge

the duties of his said office according to law and to the best of his skill and ability, which oath or affirmation shall be entered upon and subscribed to by the mayor and each commissioner upon the record of the said corporation, and attested by the justice of the peace before whom such oath or affirmation is taken.

Sec. 4. Be *it further enacted*, That any person so elected refusing or neglecting to qualify as aforesaid or to discharge the duties of his office, shall forfeit and pay to the said corporation, for the benefit of the said town, the sum of twenty dollars, to be recovered before the mayor of the said town: *Provided, nevertheless*, that no person over the age of fifty years shall be compelled to serve as mayor or commissioner; and in case the mayor or any of the commissioners so elected, shall refuse or neglect to qualify as aforesaid or to discharge the duties required of him or them in the office or offices to which he or they shall have been elected, or if the mayor or any one of the commissioners, or both, shall, after his or their election, be found ineligible to serve, that then the remaining commissioners shall chose some eligible person or persons, to fill such vacancy or vacancies; and in case all the commissioners elected should refuse or neglect to qualify and perform the duties of their office as aforesaid, or they be found ineligible to serve, then it shall be the duty of the sheriff of the county of Pasquotank, or his deputy, to hold another election forthwith for the election of such eligible persons as will act as mayor and commissioners in the manner required by this act; and if the mayor or any one of the commissioners should die or remove without the limits of the said town, before his or their term of office has expired, it shall be the duty of the remaining persons filling the said office or offices, to choose some other person or persons to fill said vacancy or vacancies for and during the then unexpired part of said term; and the other person or persons so chosen to fill the said office or offices shall be bound to

discharge the duties thereof and be subject to the same penalties, on refusal, as those elected in the election held and attended [?] by the sheriff.

Sec. 5. *Be it further enacted*, That no person shall be qualified to be elected or act as Mayor or a commissioner, who is not at the time, and has not resided within the limits of the town for at least 12 months immediately preceding the day of election, and who is not an owner in fee, or for life of real estate within the said town assessed of the value of five hundred dollars.

Sec. 6. *Be it further enacted*, That the Mayor and commissioners and their successors in office, chosen agreeably to the directions of this act, shall be and are hereby incorporated into a body corporate, by the name of the "Corporation of the town of Elizabeth City"; and by that name, to have succession by the election of the freemen as by this act directed; and to have a common seal; and by such name, to sue and be sued, plead and be impleaded; have full power and authority to purchase and sell any real or personal estate lying within said town, or to receive by gift or otherwise any real or personal estate for the benefit of the said town.

Sec. 7. *Be it further enacted*, That, at the time of electing a Mayor and commissioners as directed in the first section of this act, the free white men residing within the said town shall at the same time and place, and under the same rules and regulations, elect some fit person to act as the treasurer of the said town for the space of one year and until his successor is elected and qualified; and the person so elected shall, before entering upon the duties of his said office, take and subscribe before the Mayor of the said town the following oath or affirmation: "I solemnly swear upon the Holy Evangelist of Almighty God, that I will honestly and faithfully account for all the monies received by me in virtue of my office as town Treasurer, and discharge the duties of my said office to the best of my knowledge and abili-

ty;" and give a bond in the sum of one thousand dollars payable to the Mayor and commissioners of the town of Elizabeth City and their successors in office, with such securities as shall be approved by the Mayor and a majority of the commissioners, conditioned that he will faithfully account with the said corporation and safely keep all such monies and papers as may come into his hands by and in virtue of his said office. And the said Treasurer shall be allowed, as a full compensation for his services, the sum of five per cent. on the amount received by him for the use and benefit of the said town. Neither the Mayor or a commissioner to be eligible as town treasurer.

Sec. 8. *Be it further enacted*, That all persons qualified to vote for Mayor or commissioners, and none others, shall vote for a town treasurer.

Sec. 9. *Be it further enacted*, That the corporation of the town of Elizabeth City shall meet at the Court House in the town of Elizabeth City, on every second Monday in each and every month, for the purpose of passing such ordinances and regulations for the better government and regulation of the said town as to them may seem proper, just and necessary; and that the Mayor of the said corporation, when present, shall be the presiding officer of the said meetings, or in case of his absence, one of the commissioners, by them elected for the time; and it shall be the duty of said presiding officer, at the adjournment of the said meeting, to sign the journal of their proceedings, to be countersigned by the clerk of the corporation.

Sec. 10. *Be it further enacted*, That the corporation shall have power and authority to levy and collect an annual tax not exceeding 50 cents on every $100 value on the assessed real estate, and $3 on each white male residing within the limits of the town and on each free colored person and male slave residing and working within the said limits: to lay and levy a tax on dogs, public exhibitions for money, and other shows.

Sec. 11. *Be it further enacted*, That the corporation at

their first meeting, to [shall] appoint a clerk, to be called the clerk of the corporation of the town of Elizabeth City, whose duty it shall be to attend all the meetings of the corporation, and keep a correct record of their proceedings, and to receive as a compensation the sum of $50 annually, and to take and receive annually, and on the first Monday in March in each and every year, from the inhabitants of the town of Elizabeth City and others owning property therein, a list of their real and personal estate and all such other property as is liable to a town tax; which list shall be sworn or affirmed to be a correct and true list of all the taxable property owned at the time of giving in and within the limits of said town by the person giving in the same; the clerk to give public notice by advertisement, to the inhabitants at least 14 days, of his readiness to receive their lists of taxes; and to be authorised to administer the required oaths. In case of any person or persons failing or neglecting to give in, such person or persons to be by the clerk returned in his list as delinquents, and to ascertain their property liable to taxation; and all such persons to be liable to pay a double tax after such list has been taken; the clerk to make out two copies of the same, one to be for the corporation, by the first Monday in April, to assess the taxes for the year upon the same at their meeting in the month of April, and to be filed; the other to be furnished to the town treasurer, who shall hand such list, with the amount of taxes assessed, to the sheriff ten days thereafter.

Sec. 12. *Be it further enacted*, That it shall be the duty of the sheriff to collect the town tax, under the same rules and regulations he collects the public tax; and to pay the same over to the town treasurer, within 3 months after receiving the list, and to pay over the same to the town treasurer; and on failure thereof, to be subject to the same fines and penalties as are now established by law in collecting the public taxes; sheriff to be allowed six per cent. on amount collected or paid to the treasurer.

Sec. 13. *Be it further enacted*, That the corporation shall have full power and authority to pass all laws and ordinances necessary for the government of the said town, not inconsistent with the Constitution and laws of this State, and the United States; to appoint a director of patrols, whose duty it shall be to summon and appoint such number of citizens of the said town under the age of fifty years, and not under the age of 21 years, as he may deem necessary for the tranquility and safety of the town by night. Every person so summoned and appointed, who shall refuse to act as patrol without reasonable excuse, shall, on summary conviction before the Mayor, forfeit and pay, for the benefit of said town, not less than one nor more than two dollars, for each and every refusal or neglect to serve as patrol; which sum shall be collected by the town constable, under an execution issued by the Mayor, as debts are now collected by law by constables duly appointed in this State; which fines, when collected, shall be paid by the said constable to the town treasurer, and by him to be accounted for in his settlement.

Sec. 14. *Be it further enacted.* That the corporation shall pass rules and regulations for the government of patrols; that they shall appoint a town constable to serve until the next annual election of a Mayor and commissioners or until a successor is appointed and qualified: constable to give bond and surety, in the sum of $500, to be approved of by the Mayor, payable to the corporation of the town of Elizabeth City, conditional for the faithful discharge of his duties as constable, and to pay over all such fines and forfeitures as he may collect by virtue of his appointment, and for the benefit of the said corporation; and to take an oath or affirmation before the said Mayor, faithfully and diligently to discharge his duties as such to the best of his knowledge and ability.

Sec. 15. Be *it further enacted*, That the corporation shall have no power to appropriate any public moneys except by ordinance, specifying and specially appropriating the same

for the good and benefit of the town. No Mayor or commissioner, without the authority of the majority, to have or make any contract for work done or furnished to said town, nor to have any claim whatever upon the town treasurer.

Sec. 16. *Be it further enacted*, That the town treasurer shall publish at least 14 days before the election for Mayor and commissioners, in one of the newspapers published in said town, the receipts and expenditures had during the past year, for the inspection of the inhabitants of the said town; the expense of publishing to be paid out of the funds of the said town.

Sec. 18.* *Be it further enacted*, That all ordinances passed by the corporation to be published in one of the newspapers of the said town and at the court house door, within at least fourteen days after the passing the same, and no ordinance to be in force until eight days after such publication. Corporation may enter into contract with the printer for the public printing of the corporation for and during the term they are in office and no longer.

Sec. 19. *Be it further enacted*, That the constable shall be allowed fifty cents on each and every warrant and execution issued by the mayor, and such other fees and compensations as the said corporation may by ordinance allow him; but in no case shall any fines or amercements be given to him by the said corporation, nor shall said corporation exceed any one year the sum of $75.

Sec. 20. *Be it further enacted*, That the corporation shall have a new survey of the town made (if extended;) a copy to be filed in the clerk's office of the court of pleas and quarter sessions for said county, the other with the town clerk; and the public register of the same county shall duly register the said copy, and return the same to the clerk's office of the said county; and in case of loss of either of the originals, the said copy or a copy from the register's office shall be evidence in any court of record within this State, in like manner as the original copies would have been.

Sec. 21. *Be it further enacted,* That the commissioners shall have power and authority to appoint a harbour master, health officers, inspector and corder of wood for the port of Elizabeth City, and prescribe their duties and authorities; make rules and regulations for their government; allow them reasonable compensation for their services, and determine by whom and how such compensation shall be paid; to have power and authority to pass such laws, rules and regulations, not inconsistent with the constitution and laws of the United States or of this State, to prevent any person or persons from coming into said town who has or is supposed to have any contagious or infectious disease; and to compel vessels coming to the said Port or town to ride quarantine, at some proper place to be laid off by the said commissioners for that purpose, not less than two miles from said town.

Sec. 22. *Be it further enacted*, That no person shall be authorised to sell spirituous liquors by the small measure within the limits of the said corporation or town, unless he or she first obtains from the mayor, or a majority of the commissioners, at any of their public meetings and not otherwise, a certificate that he or she is a fit or proper person to retail spirituous liquors by the small measure, say less than a quart at one time; which certificate shall be entered upon the minutes of the said corporation, and a copy thereof signed by the mayor or presiding commissioner, and countersigned by the clerk, shall be handed and delivered to the applicant entitled to the same; and for such certificate the clerk of the corporation is to receive from the applicant the sum of twenty five cents; and it shall be the duty of the clerk of the said corporation to deliver to the clerk of the court of pleas and quarter sessions of the county of Pasquotank, on the Monday of each and every court, a list containing the names of all those who may have applied for such a certificate from the said corporation, designating to whom the same has been granted, and to whom the same has been refused; and it shall be the duty of the clerk of the said

court to file the same in his office and to furnish a copy of the same to the justices of the peace when about granting license to retailers of spirituous liquors by the small measure, and one copy to the grand jury of each term; and it shall not be lawful for said justices to grant any license to retail spirituous liquors by the small measure within the limits of the town to any person or persons whatever, unless on the production of a certificate from the mayor, countersigned by the clerk of said town; and any person or persons retailing spirituous liquors within the limits of the said town, without having first obtained a certificate as aforesaid and being duly registered on the minutes of the said corporation, shall forfeit and pay to the use of the said corporation, for the first offence, not less than five nor more than ten dollars on conviction thereof before the mayor of the said town, and on a second conviction, be fined the sum of twenty dollars and imprisoned in the common jail of the said county for a term not less than fifteen nor more than thirty days, and until fine and costs are paid: No licensed retailer of spirituous liquors to keep his shop open or to sell spirituous or any other intoxicating drink on the Sabbath day; nor shall he be permited to sell at any time any spirituous or other liquors to any slave, and in case of his doing so, be liable to an indictment, and, on conviction, the license to be forfeited.

Sec. 23. *Be it further enacted*, That the mayor of the said corporation shall have power and authority to preserve the peace and good order among all persons residing or who may be in the said town, and shall have full power and authority to hear and determine all cases of complaints and controversies arising by reason of any infraction of the laws and ordinances of the said town.

Sec. 24. Be *it further enacted*, That the corporate authority of said town shall have full power and authority to lay off, widen and extend the streets or lay off new ones, on summoning a jury of twelve owners of real estate, residents of said town, to go on the premises, assess damages to be paid the owner or owners; and no street shall be opened,

extended or widened, until the damages assessed are paid the owners of such of the lands as by the said jury has been condemned for that purpose; the report of the jury to be filed with the mayor.

Sec. 25. Be *it further enacted*, That the mayor shall keep a regular docket of all cases brought before and decided by him, shall be allowed fifty cents for each and every warrant issued by him; and fifty cents for each and every execution; likewise fifty cents to be paid the constable and other officer serving the warrant and execution, to be paid by the person or persons against whom it is issued; and the mayor shall make a quarterly statement to the commissioners of all his official acts; and the corporate authorities are hereby authorised to allow twenty five cents to the clerk for every license for drays, certificate to retailers of spirituous liquors, and public exhibitions.

Sec. 26. *Be it further enacted*, That the corporate authorities shall have authority to appoint one or more auctioneers for the town, who shall give bond and security for the faithful paying over the tax due to the corporation on all auction sales as now prescribed by act of Assembly.

Sec. 27. *Be it further enacted*, That the mayor shall have full power and authority to issue his warrant for all offences committed within the limits of the town for any breach of the peace, or of the laws of the state or corporation, and to hear and determine the same, with a right of appeal to the county or superior court.

Sec. 28. *Be it further enacted*, That this act shall be in force from and after the last Saturday in December, one thousand eight hundred and fifty one, and all laws or clauses of laws coming in conflict with this act, are hereby repealed.

[Ratified 28th January, 1851.]

CHAPTER CCCXLI.

AN ACT to extend the powers of the Commissioners of the town of Warrenton, and for other purposes.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That hereafter it shall be lawful for the Commissioners of the town of Warrenton, in the County Warren, or a majority and their successors in office, to lay a tax not exceeding one dollar upon each taxable poll, a tax not exceeding fifty cents on all dogs in said Town, and also a tax not exceeding thirty cents on all Hogs belonging to citizens of said town which may be allowed to run at large.

Sec. 2. *Be it further enacted*, That said commissioners shall have power to lay a tax not exceeding twenty dollars upon every person or company of stage players, sleight of hand performers, rope dancers, tumblers and wire dancers, or company of circus riders or equestrian performers, who may perform in said town; and upon each and every company who shall exhibit artificial curiosities of any kind or sort in said town, except models of useful inventions, for a reward; and also a tax not exceeding ten dollars upon every person or Company, who may exhibit naturual curiosities of any kind in said Town for a reward; which said taxes are to be collected and accounted for in the same manner as other corporation taxes for the town of Warrenton.

Sec. 3. *Be it further enacted*, That the town Treasurer and the town clerk shall always be elected annually, after the term of office of the present incumbents shall have expired.

Sec. 4. *Be it further enacted*, That hereafter it shall be lawful for the Magistrate of Police of the said corporation to issue warrants for a violation of town ordinances, to try the same, and to render judgment against the defendant, and to issue execution in the same manner to all intents and pur-

poses as Justices of the Peace are allowed to do under the act of the General Assembly passed at the Session of 1848-49, entitled "an act to extend the corporate limits of the town of Warrenton", and that the parties shall have the same right of appeal.

Sec. 5. *Be it further enacted*, That it shall be hereafter lawful for the magistrate of police, to have all the powers of a single Justice of the Peace within the limits of the said corporation, so far as breaches of the Peace and other criminal offences are concerned.

Sec. 6. *Be it further enacted*, That the town constable shall hereafter, within the limits of the said corporation, have all the powers of other constables in the said county, as far as the criminal law is concerned; and that all bonds hereafter to be executed by him and his securities shall be construed to be broken, if he shall, under colour of his office, commit any wrong, trespass or injury towards any person whatever, or do any act which is not authorized by law; and that the individuals injured may recover in the name of the State, but for their own use and benefit, all damages which they may have sustained in an action upon said bond.

[Ratified 28th January, 1851.]

CHAPTER CCCXLII.

AN ACT to incorporate the town of Murphy, in the County of Cherokee.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That it shall be the duty of the Sheriff of Cherokee county, on

the first Saturday in February in each and every year, at the Court House in said county, to open polls for the election of five commissioners in and for the town of Murphy, to continue in office for the term of one year thereafter.

Sec. 2. Be *it further enacted*, That any citizen of said town of Murphy, in the county of Cherokee, who has resided therein for two years, and who, at the time of his election, is possessed of a freehold in the same of the value of five hundred dollars, shall be eligible as such commissioner; and every inhabitant of the same who has resided twelve months therein, and who is qualified according to the constitution to vote for members of the House of Commons, shall be entitled to vote in said election; and such election shall be conducted and regulated in the same manner, by ballot, as elections for members of the General Assembly; and in the event of a tie, the Sheriff aforesaid shall give the casting vote.

Sec. 3. *Be it further enacted*, That the said commissioners, after their election, shall, before entering on the duties of their office, take an oath before some Justice of the Peace of the county aforesaid faithfully and impartially to perform said duties; and thereupon they shall be constituted a body politic and corporate, by the name and style of the commissioners of the town of Murphy.

Sec. 4. *Be it further enacted*, That the said commissioners shall possess full power and authority to appoint a magistrate of Police, Town Treasurer and Constable, and to lay and collect a tax on the property and inhabitants of said town not exceeding twenty five cents on the poll, and ten cents on every hundred dollars value of town property, per annum; to establish patrols; and to enact and adopt all such by-laws, rules and regulations as they or a majority of them, may deem necessary for the good order and government of said town, provided the same be not inconsistent with the constitution and laws of this State or the United States.

Sec. 5. *Be it further enacted*, That the town constable aforesaid shall be collector of the town tax, under the direction of said commissioners; and for that purpose, shall

have all the powers and immunities of Sheriffs in the collection of the public revenues; and said Taxes, when collected, shall be applied to the improvement and repair of the streets of said town; and, if there be a residue, to such other objects as said commissioners, or a majority of them, may deem necessary to its prosperity and advancement.

Sec. 6. *Be it further enacted*, That this act shall take effect and be in force from and after its ratification.

[Ratified 17th January, 1851.]

CHAPTER CCCXLIII.

AN ACT for the better regulation of the town of Wilson, in Edgecomb county.

Sec. 1. Be *it enacted by the General Assembly of the State of North-Carolina and it is hereby enacted by the authority of the same*, That the Board of commissioners for the town of Wilson shall have power to appoint a town Treasurer, Secretary of their Board, and also a town constable, which latter officer shall have all the powers, and be under all the restrictions and liabilities of other constables in this State. He shall also have power to collect all fines, forfeitures and penalties imposed by the town laws and ordinances, and all taxes levied by the said commissioners, and, for that purpose, shall be empowered to use all lawful ways and means now used and exercised by Sheriffs in the collection of public taxes; and in case the said constable shall fail to account for and pay over to the town Treasurer all public monies coming into his hands by virtue of his office as town constable aforesaid, at such periods as the town ordinances may require, he shall and may be proceeded against as other constables now are for failing to pay over money coming into their

hands by virtue of their office, and shall in addition thereto forfeit and pay double the sum collected and which he has thus failed to pay over, which forfeiture shall go to the use and benefit of the said town.

Sec. 2. *Be it further enacted*, That it shall be the duty of the town constable, on the first Thursday in April in each and every year, to open the polls of election for the purpose of electing a magistrate of police and three commissioners in the town of Wilson, for the term of one year.

Sec. 3. *Be it further enacted*, That it shall be the duty of the said constable to advertise the time of holding the election for magistrate of police and commissioners ten days previous thereto; and the constable shall summon two freeholders residents of said town, who, together with himself, shall hold the election at William D. Thorn's Store House, in said town, and shall keep the polls open from twelve o'clock, M. to four o'clock in the evening; and every free white male residing in said town, and who shall have resided there six months previously, shall be entitled to vote for said officers; and it shall be the duty of the constable to serve the magistrate of police and commissioners elected with a notice of their election within five days thereafter; and on failure of any of the above mentioned duties enjoined on the constable, he shall, on conviction before any Justice of the Peace of Edgecomb, forfeit and pay the sum of twenty five dollars; and each freeholder refusing or neglecting to assist the constable in holding the polls, shall be subject to a penalty of five dollars, to be recovered in like manner; and the penalties, when collected, shall be paid into the hands of the Treasurer of the town, to be applied to the improvement of said town.

Sec. 4. *Be it further enacted*, That the persons so elected as magistrate of police and commissioners shall, within ten days after being notified by the constable, of their election, meet at the Store House of William D. Thorn and take and subscribe before some Justice of the Peace the following oath: "I, A. B do swear (or affirm) that I will exe-

cute the office of [Magistrate of] Police and Commissioner of the town of Wilson faithfully, impartially and truly, according to law, without favour, affection or prejudice, and that in all things as Magistrate of Police and as Commissioner, I will execute the office for which I have been elected and discharge my duties to the best of my skill and judgment, so help me God ;" which oath so taken and subscribed, shall be filed by the Magistrate with the clerk of the board of commissioners; and any freeholder of said town who shall, after being duly elected and notified by the constable, refuse to qualify or serve as magistrate of police or commissioner, shall forfeit and pay a penalty of twenty dollars, to be recovered before any Justice of the Peace for said county: *Provided*, that no person shall be eligible as magistrate of police or commissioner who does not reside in the town of Wilson and possess therein in fee simple a lot or part of a lot therein.

Sec. 5. Be *it further enacted*, That in case of vacancy among the said commissioners, the remaining commissioners shall elect a freeholder of said town, to act as commissioner until the ensuing annual election, who shall have the same powers, and be subject to the same penalties as the other commissioners who were elected at the annual election.

Sec. 6. Be *it further enacted*, That the commissioners shall appoint an overseer, who shall be a citizen of the town, the appointment to be made at their first meeting in April in every year; and if any one so appointed shall refuse to serve, he shall forfeit the sum of ten dollars, to be recovered as before mentioned; and if he fail to perform his duties in a satisfactory manner, he shall be subject to such penalties as the commissioners may compel him to pay for his neglect.

Sec. 7. Be *it further enacted*, That all persons living within said town, who are liable to work on public roads [*] to peform such number of days work (not exceeding six) in any one year) whenever required to do so by order of the overseer; and if any person refuse to work himself or to

send his servant, he shall pay a fine of one dollar for each poll, to be recovered as before mentioned.

Sec. 8. *Be it further enacted*, That said commissioners shall have power, if they deem it necessary, to lay a tax not exceeding one dollar, on each poll, and thirty cents on every hundred dollars value of real estate in said town; to fix penalties and forfeitures for violations of their laws and ordinances, and to enforce the collection of the same; which tax, forfeitures and penalties, when collected, shall go to the exclusive use and benefit of the town, and shall be appropriated to the improvement of the streets, side walks, or in such other mode, as said commissioners may deem best to promote the health, comfort, prosperity and advancement of the same.

Sec. 9. *Be it further enacted*, That whenever said commissioners may deem it necessary and proper, they shall require the citizens of said town to give in their property and persons for taxation, under such rules and regulations as they may by ordinance prescribe.

Sec. 10. *Be it further enacted*, That before any of the laws and ordinances enacted or ordered [?] as aforesaid shall take effect, they shall be first published for the space of ten days, by public advertisement in three public places in said town; and the commissioners shall have power to make such reasonable compensation to the Secrerary of the Board and Treasurer, for their services, as they may deem just, which shall be paid out of the town funds: *Provided*, nothing herein contained shall be so construed as to prevent the said commissioners from adopting ordinances to take immediate effect, relating to contagious diseases and nuisances.

Sec. 11. *Be it further enacted*, That the magistrate of police as aforesaid shall [have] power to issue process, to compel the attendance of persons charged with the infraction of the town laws or ordinances, and also to require the attendance of witnesses in all such cases, and generally to do and perform all such acts and things as magistrates of

police aforesaid, in the trial and adjudication of cases brought before him, as a Justice of the Peace under the existing laws might or could do.

Sec. 12. *Be it further enacted*, That in all trials before the magistrate of Police, for offences committed against the laws established for the government of said town, which shall be in the manner of trials before a Justice of the Peace, either party may appeal to the next county court: *provided*, that in all appeals thus taken, no cost shall accrue to the county, but in all cases where the commissioners are the party, costs shall be paid out of the funds of the corporation.

Sec. 13. *Be it further enacted*, That it shall and may be lawful for said commissioners, or a majority of them, to appoint a patrol, under such rules and regulations as they may deem necessary.

Sec. 14. *Be it further enacted*, That said commissioners are fully empowered to preserve and protect the public grounds and streets from all encroachments or obstructions, under such rules and regulations as they may prescribe for the protection of the same.

Sec. 15. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCCXLIV.

AN ACT to incorporate the town of Madison, in the county of Rockingham.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the the same*, That, R. H. Gladson, Milton Stamps, W. W. Oli-

ver, J. H. Cardwell, and T. D. Roseborough, commissioners for the town of Madison, and their successors in office, chosen in manner hereinafter appointed, be, and they are hereby created a corporation and body politic, under the name and style of the commissioners of the town of Madison, with full power to make by-laws not inconsistent with the Constitution and laws of the State and of the United States; to contract and be contracted with; to sue and be sued, and to plead and be impleaded, by that name and style; and they are hereby invested with all other powers and rights necessary or usually appertaining to municipal corporations: and the said R. H. Gladson, Milton Stamps, W. W. Oliver, J. H. Cardwell, and T. D. Roseborough, shall continue to hold their offices, as commissioners for said town of Madison, until a new election for commissioners for said town shall take place as is hereinafter provided for.

Sec. 2. *Be it further enacted*, That the election for commissioners for said town shall be held at such place, in said town, as shall be appointed, in the manner hereinafter provided for, on the first Monday of January in each and every successive year; that the sheriff of Rockingham county, or a deputy by him appointed, or, in case of a vacancy in the office of sheriff, the coroner, or a deputy by him appointed, shall give public notice or advertisement of said election and the place where it shall be held in said town, at least twenty days before the first Monday of January, 1852, and at least twenty days before the first Monday in each and every succeeding January; and shall attend at the place in said town so appointed and advertised on the said day of election, and at the hour of ten, in the morning, shall open the polls of election in the presence of two inspectors, appointed and qualified as hereinafter provided for; shall receive the tickets from all persons voting, and put them in a box provided for that purpose; and shall, in the presence of the inspectors, at the hour of four, in the afternoon of the same day, close the polls, and immediately, at the same place and in the presence of the said inspectors

and of such of the electors as may choose to attend, shall open the box containing the tickets, examine and number the ballots, and read aloud what appears upon each, and shall declare the five persons who may receive the highest number of votes given duly elected commissioners for said town, and, on demand, shall give them certificates to that effect; and when two or more persons shall have received the same number of votes, the said sheriff or deputy, or the said coroner or deputy, shall give the casting vote; but said sheriff or coroner or other officer so holding the election, shall vote in no other case whatsoever: and the said sheriff, or, in case of a vacancy of such office, the coroner shall for every neglect or refusal to obey the requirements of this section by himself or deputy so appointed by himself, forfeit and pay the sum of one hundred dollars to said commissioners of said town, who may sue for and recover the same before any court having jurisdiction thereof: *Provided always*, that such suit shall be brought within six months next after the cause of action shall occur.

Sec. 3. *Be it further enacted*, That it shall be the duty of the Court of Pleas and Quarter Sessions for the county of Rockingham, at its term next preceding the days so fixed for holding said election, to appoint two inspectors, whose duty it shall be to attend and superintend said election, first being duly sworn before some acting Justice of the Peace of said county, and to keep a correct and true list of the names of all the voters; and in case of neglect of said court to appoint, or of neglect or refusal of said inspectors so appointed or either of them, to attend or to act on the day of the election, then they, or in case one only shall neglect or refuse to attend or to act, a substitute for the one so neglecting or refusing, shall be appointed on the day of the election, by any Justice of the Peace for the said county, who may be called on by the officer holding the election to make the appointment; and any person who shall be ap-

pointed in either way as above pointed out, and shall neglect or refuse to act as inspector, shall forfeit and pay to the said commissioners the sum of ten dollars, to be sued for and recovered before any Justice of the Peace for said county; *Provided, however,* that such suit be brought within six months next after cause of action may occur.

Sec. 4. *Be it further enacted,* That no person shall be elected a commissioner for said town, except he be a white male citizen of the full age of twenty-one years, and shall have resided in said town at least full twelve months next preceding the day of the election; and no sheriff, coroner or constable shall be eligible so long as he shall continue in office of sheriff, coroner or constable.

Sec. 5. *Be it further enacted,* That every male white inhabitant of said town of Madison, of the age of twenty-one years, who shall have resided in said town six months next preceding the day of said election, and shall have paid a town tax, and also every white male citizen of the county of Rockingham of full age, who shall possess in said town of Madison real estate assessed for taxation at a sum not less than one hundred dollars, shall be entitled to vote for commissioners for said town.

Sec. 6. *Be it further enacted,* That if any vacancy shall occur at any time in the body of commissioners, either by the refusal of those elected to qualify, or by resignation, death or otherwise, it shall be the duty of the remaining commissioners, or any three of them, within one month after the happening of such vacancy, to choose some suitable person to supply the same; and any such person so chosen commissioner, shall have the same powers, privileges and authorities as if he had been elected by the citizens of the town.

Sec. 7. *Be it further enacted,* That on or before the Saturday next after such election, the commissioners so elected shall meet at some place in said town agreed upon by them; shall qualify as such by taking each an oath to sup-

port the Constitution and laws of the State and to discharge the duties imposed upon them by law with fidelity and integrity and to the best of their ability; which oath shall be administered by some one of the acting Justices of the Peace for the county; and every person so elected commissioner as aforesaid, who shall neglect or refuse to qualify and serve as such, shall forfeit and pay the sum of twenty dollars to said commissioners, who may sue for and recover the same before any Justice of the Peace for said county: *provided, though*, that such suit be brought within six months after such neglect, or refusal, or cause of action occurred.

Sec. 8. Be *it further enacted*, That said commissioners shall have power, and are hereby authorized to appoint a town Magistrate and constable, if they deem it advisable; and it shall be the duty of the Magistrate so appointed as aforesiad, to see that the laws of the State and the ordinances of the said commissioners are obeyed and enforced within said town; and he shall have power to issue warrants to the town constable or the sheriff, or any constable in the county of Rockingham, founded in complaint to him made, on oath, of a breach of any law or laws relating to said town or any of the ordinances of said commissioners, or brought for the recovery of any penalty or penalties, given by said laws or ordinances for the arrest of the person or persons complained against; and to hear and determine such complaint on the return of the warrants, and to issue execution thereon. The said town magistrate shall also be a peace officer, and shall have, within the limits of the town, all the powers of a justice of the peace and of a constable for the preservation of the public peace, and for the detection, arrest and punishment of offenders; and he is further invested with the same jurisdiction and powers over all offences committed by slaves as is now by law given to a single justice of the peace out of court, under the same rules, regulations and restrictions as are provided in those cases: *Provided, nevertheless*, that it shall and may be lawful in all cases for

the person or persons (or in case of slaves, for the owners or managers,) against whom the said town magistrate shall give judgment or pass sentence, by virtue of the jurisdiction hereby given, or for breach of law or laws or ordinances relating to said town, or for any penalty or penalties given by said law or ordinance, to appeal to the superior court of law for the county of Rockingham, first entering into cognizances, with good security before said magistrate, for the appearance of said appellant or appellants before the judge of the said superior court, at the next term thereof, and for his, her or their performing and abiding the judgment of said court; and the persons so appealing shall be allowed, in all cases, ten days to obtain the said security; and the said town magistrate shall keep a faithful minute of all process issued by or returned before him, and of his judgment or sentence and all the proceedings thereon, in a bound book, and deliver the same to his successor in office; and in case of an appeal duly taken from a judgment or sentence of said town magistrate, he shall return the original and all other process, together with copy of his minutes of his judgments or sentence and of all the proceedings therein, to the term of the court to which such appeal shall be taken, and on the first day of the term. And the commissioners may, if they deem it expedient, allow the said town magistrate an annual salary of fifty dollars or less, to be paid out of the town treasury.

Sec. 9. *Be it further enacted*, That it shall be the duty of the town constable, so chosen as aforesaid, to execute all lawful process directed to him by the town magistrate; to collect the tax imposed by said commissioners, and pay the same over to the treasurer or such other person or officer as said commisioners may appoint to receive the same; and such constable is hereby given all the power, to enforce the collection of such tax, that sheriffs have by law for the collecting the State or county tax, and shall be allowed the same compensation therefor, and the same fees for serving process that other constables are allowed by law for like services.

Sec. 10. *Be it further enacted*, That in case the said commissioners shall not deem it expedient so to appoint a town magistrate and town constable, it shall be lawful for them to call on any justice of the peace or constable of the county of Rockingham to enforce and carry out any of their laws and ordinances; and it is hereby made the duty of such justice of the peace or constable of the county so called on, to perform the duties required of them.

Sec. 11. *Be it further enacted*, That the said commissioners shall have power to lay and collect a tax, if they should think proper, not to exceed twenty cents on each poll, and ten cents on each hundred dollars value of town property in said town, to be ascertained by the assessment thereof made by law for taxation as shown by tax lists returned to the county court of said county; and a tax on each store, grocery and tavern, not exceeding five dollars each; on pleasure carriages, not exceeding one dollar each; upon exhibitions of natural and artificial curiosities, not exceeding five dollars; and on all officers in the receipt of a salary, and all lawyers and physicians, not exceeding five dollars each; and all money arising from the payment of taxes so levied, or of forfeitures and penalties imposed by this act, or which shall or may be imposed by the ordinances of the said commissioners, shall be held by said commissioners or other officers appointed by them for that purpose, under such rules as to them may seem proper and fit for the use and benefit of said town.

Sec. 12. *Be it further enacted*, That it shall be the duty of the said commissioners to keep the streets of said town in good order, and to cause all accumulations of dirt or filth to be removed therefrom.

Sec. 13. *Be it further enacted*, That said commissioners shall have power to make rules for enforcing the orderly conduct of slaves and free negroes within the said town, and to impose punishments for the breach thereof.

Sec. 14. *Be it further enacted*, That the limits of said corporation shall remain as heretofore established, or

should the commissioners see proper to change them, such as they may establish, with the aid of the county surveyor, on or before the first day of June, 1851.

Sec. 15. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXLV.

AN ACT to amend an act for the incorporation of the town of Washington, being chapter 199 of the Acts of the session beginning in 1846.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the 18th section of the said act for the incorporation of the town of Washington, be amended by striking out the word "August," in the first line of said section, and substituting the word September in the place thereof.

Sec. 2. *Be it further enacted*, That the twentieth section of the said act be amended by striking out the word "not," from the eleventh line of the said section, in the copy of said act printed by the authority of the State, and that the said section be re-enacted with the omission of the said word "not" from the said eleventh line thereof.

Sec. 3. *Be it further enacted*, That the thirty-seventh section be repealed, and that the boundaries of said town shall hereafter be as follows, viz: Beginning at Pamlico river, eighty feet below the Eastern boundary line of said town

running thence North Eastwardly, parallel with Beaufort street, to the point of intersection with a line drawn parallel with Fifth Street, and two hundred and forty feet back of the Northern side thereof; thence Westwardly, along the said line, parallel with Fifth Street, to the point of intersection with the Western line of Washington Street prolonged; thence Southwardly, with the said western line of Washington street to the river; and thence with the river to the beginning; and that hereafter when the town of Washington is spoken of in any law now in force or hereafter to be enacted, it shall be construed with reference to the foregoing boundaries.

Sec. 4. Be *it further enacted*, That it shall and may be lawful for the commissioners of the town of Washington, from time to time, to lay off new streets, and to extend and include old ones in said town; and they shall make compensation to the owners of lands which may be taken for that purpose, which compensation shall be determined in the following manner: the said commissioners shall cause to be presented to some justice of the peace for Beaufort county, a statement, in writing, of the things proposed by them to be done, and a list of the owners or occupiers of the lands over which the thing proposed to be done will extend; whereupon the justice shall issue his warrant to the sheriff of said county, or to the coroner, if the sheriff is a party interested, commanding him to summon eighteen freeholders to view the premises on a certain day, of which notice shall be given to the owners or occupiers, if known; from the freeholders thus summoned, a jury shall be impanneled, who, having been sworn by the sheriff or coroner, as the case may be, shall asses the damages which the owners of the land will respectively sustain by the doing of the thing proposed; and in making such assessment they shall consider the benefit which will accrue to the said owners by the doing of the said thing; and the sheriff shall make a return of the said assessments,

subscribed by the jury, to the said, or some other justice of said county, who shall thereupon, upon motion, on behalf of said commissioners, give judgments against them for the several sums so assessed; and return the papers to the next county court for said county, to be there recorded; and the said commissioners, on paying or tendering the said sums to the persons, respectively, in whose favor they are assessed, or their representatives, or if the person shall be unknown, or a nonresident of the State, or an infant, or *feme covert*, on paying the same to the clerk of the county court, for the use of such person, to be paid out under the order of said court, shall have full power and authority to lay off, extend, widen or enlarge the said street, or to do the other thing proposed by them; and the streets so laid off, extended, widened or enlarged, shall be public highways.

Sec. 5. *Be it further enacted*, That it shall and may be lawful for the commissioners of said town, from time to time, to grade the streets of said town and to drain said town by cutting ditches or sewers, or otherwise, and to do all things necessary or proper for those purposes; and if, in so doing, it shall be necessary for them to use and occupy the land of any person, the damage to such person shall and may be assessed in the manner aforesaid; and on payment or tender thereof in manner aforesaid, the commissioners shall have the right to do the thing proposed.

Sec. 6. *Be it further enacted*, That whenever any hog or hogs shall be found running at large in the streets of said town, and taken up under an ordinance prohibiting the same, the owner or owners of which shall not be a citizen or citizens thereof, and said hog or hogs shall be marked with his, her or their mark, he, she or they shall be notified, in writing, by the town constable, or any other person said commissioners shall authorize, not less than twenty-four hours before said hog or hogs may be sold, or become chargeable to

the owner or owners, provided said owner or owners shall have previous thereto, filed with the clerk of said town a description of his or her ear mark in writing.

Sec. 7. *Be it further enacted*, That nothing contained in the thirty second section, or any other section of the act of 1846–'7, for the incorporation of the town of Washington, shall be construed to give authority to the commissioners of said town, nor shall they have the authority to restrict to any time or place, or interfere in any manner with the sale of provisions, or other articles carried to said town; but said section shall be construed to give authority to said commissioners to adopt only such regulations as shall relate to the mode of selling provisions—such as requiring meal to be sold by weight instead of measure; and all regulations adopted by said commissioners touching the same, shall be made to apply alike to all parts of said town, without distinction of place or places.

Sec. 8. Be *it further enacted*, That all laws and clauses of laws coming within the purview and meaning of this act, be, and the same are hereby repealed.

Sec. 9. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January 1851.]

CHAPTER CCCXLVI.

AN ACT to amend an act, passed in the year 1803, entitled "An Act for the government of the City of Raleigh.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That no person shall be entitled to vote at any election for Intendant and commissioners of the city of Raleigh, unless he shall have resided within the limits of the said city for at least six months, and in the ward in which he offers to vote for at least ten days next preceding the day of election, and paid city taxes within the twelve months preceding the day of election, or, being a non-resident, shall own, in fee simple, real estate in the City of Raleigh, and shall have possessed said real estate at least six months preceding the day of election.

Sec. 2. *Be it further enacted*, That whenever an election shall be held for an Intendant and commissioners of said city, it shall be the duty of the sheriff of the county of Wake to declare the persons receiving the highest number of votes to be elected; and if there shall be a tie between any two of the candidates, so that no election can be made, then he shall certify this fact in his return; and the board of commissioners, at their first regular meeting thereafter, shall elect some person by ballot to fill the vacancy.

Sec. 3. *Be it further enacted*, That it shall be the duty of the Intendant to preside over all meetings of the board of commissioners, when present, and in all cases where there is a tie upon any question, he shall be entitled to give the casting vote.

Sec. 4. *Be it further enacted*, That the commissioners of said city shall have power and authority to levy and collect a tax, not exceeding twenty five dollars on every billiard table, nine or ten pin alley, victualling house or restaurateur, and upon every permission granted to retail spirituous liquors within the limits of said City.

Sec. 5. *Be it further enacted*, That it shall not be lawful for the Justices of the county court of Wake to grant any license to retail spirituous liquors within the limits of the city of Raleigh, without the permission of the board of commissioners first had; and if any license shall be granted without such permission, in writing, attested by the clerk of the board of commissioners first filed with the clerk of the said county court, such license shall be void and of no effect; and the person obtaining such license shall be liable to indictment as in other cases of retailing without license, and to a penalty of twenty dollars for each and every offence, to be recovered, by warrant, before the Intendant of Police, or any Justice of the Peace, in the name of the commissioners of said city, for the use of said city.

Sec. 6. Be *it further enacted*, That the commissioners of said city shall have power and authority to levy a tax of not exceeding three dollars upon every hog kept running at large in the streets of said city.

Sec. 7. *Be it further enacted*, That this act shall be in force from and and after the passage thereof.

[Ratified 28th January, 1851.]

CHAPTER CCCXLVII.

AN ACT to incorporate the Town of Graham, in the County of Alamance.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same,* That John Scott, Esqr. be appointed Magistrate of Police, and John Faucett, John R. Holt, Robt. Hannah, James M. Boyd, and Samuel M. White, Commissioners, for the town of Graham, in the County of Alamance. That it shall be the duty of the sheriff of Alamance County, or his lawful deputy, on the first Monday in each and every year after the year eighteen hundred and fifty one, and after giving ten days notice previous to the day of election, to open polls, at the court House in the town of Graham, in said County, for the election of five Commissioners, who shall continue in office for the term of one year thereafter, or until others are appointed.

Sec. 2. *Be it further enacted,* That any citizen of said town of Graham, who is twenty one years of age, and who has resided therein for six months, shall be eligible as such commissioner; and every inhabitant of the same who has resided six months therein, and who is qualified according to the constitution, to vote for members of the House of Commons, shall be entitled to vote in said election ; and such election shall be conducted and regulated in the same manner as elections of the General Assembly ; and for such services the sheriff or his deputy shall receive from the board of commissioners the sum of one dollar ; and in the event of a tie, the sheriff or his deputy shall give the casting vote.

Sec. 3. *Be it further enacted,* That the said commissioners, within sfive days after their election, and before entering upon the duties of their office, shall take an oath, before some Justice of the Peace for said county, faithfully and impartially to perform said duties; and thereupon they shall be constituted a body politic and corporate, by the name and style of "the Commissioners of the town of Graham," and as such

may sue and be sued, plead and be impleaded, have and use a common seal, and have perpetual succession.

Sec. 4. *Be it further enacted*, That the said commissioners or a majority of them shall have power and authority to appoint a magistrate of Police, a town constable and Treasurer; to lay and collect a tax on the inhabitants and property of said town, not exceeding one dollar on the poll, and fifty cents on every hundred dollars worth of town property, *per annum*; to establish patrols; and enact and adopt all such by-laws, rules and regulations as they, or a majority of them, may deem necessary for the health, good order and government of said town: *Provided*, that nothing in this act contained shall authorize the said commissioners to prevent the citizens of Alamance County from exposing to sale, on the public square, any merchandize, or laying a tax on the same; and provided said rules and regulations shall not be inconsistent with the constitution and laws of this State and of the United States.

Sec. 5. *Be it further enacted*, That it shall be the duty of each person residing in said town to deliver to to the town Magistrate, on or before the first monday in April, in each and every year, on oath, a statement or account of the number of taxable polls for which he or she may by law be bound to pay town tax; and also a statement of all town property which he or she may own within the limits of said town and the value thereof; and any person failing to give oath of the same statements, shall incur a forfeiture of five dollars, to be recovered, by warrant, in the name of the town commissioners of Graham, before the town magistrate.

Sec. 6. *Be it further enacted*, That the town Constable aforesaid shall be the collector of the town tax, under the direction of said commissioners, and for that purpose, shall have all the powers and immunities of sheriffs in the collection of public revenue; and said taxes, when collected, shall be applied to the improvement and repairs of the streets of said town; and if there be a residue, to such other objects

as said commissioners, or a majority of them, may deem necessary to its prosperity and advancement.

Sec. 7. *Be it further enacted*, That the town constable shall be required to enter into bond, with good and sufficient security, in the sum of one thousand dollars, before entering on the duties of his office, payable to the State of North Carolina, for the faithful performance of the duties of town constable and paying over all money collected by virtue of his office.

Sec. 8. *Be it further enacted*, That upon the death, resignation, or refusal to act, of any of the commissioners, the remainder, or a majority of them, shall have power and authority to appoint his or their successors, who shall possess the same power granted to his or their predecessors.

Sec. 9. *Be it further enacted*, That the said corporate limits of said town, shall be extended three quarters of a mile in each and every direction from the court house.

Sec. 10. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

VOLUNTEERS.

CHAPTER CCCXLVIII.

AN ACT to incorporate the "Home Guards," a volunteer corps of Infantry of the line in the county of Pasquotank.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same*, That the volunteer company of Infantry of the line, in the county of Pasquotank, composed of William F. Martin, John M. Mathews, John Defird, William K. Minges and others, and their successors, be, and the same is hereby incorporated and made a body politic and corporate, by the name and style of the "Home Guards"; and by that name and style, shall have succession, and be able and capable in law and Equity to sue and be sued, plead and be impleaded, in any court in this State; and shall have power to make by-laws, rules and regulations, for the government of said company, not inconsistent with the Constitution and laws of this State and of the United States; and all fees,* penalties and forfeitures incurred in pursuance of such by-laws and regulations, shall be recovered in the same manner that militia fines are recovered in this State, and appropriated to the sole use and benefit of said company.

Sec. 2. Be *it further enacted*, That upon the Governor's being furnished with a certificate from the Brigadier General of this Brigade that the said company has enrolled as members thirty two men, and that they are otherwise equipped, excepting as to arms, then the Governor shall furnish from the public arms of the State to the said corps the arms

necessary to their full equipment, the commanding officers of said corps or some other commissioned officer of the company first giving security for the safe keeping of said arms as the law directs.

Sec. 3. *Be it further enacted*, That it shall be the duty of the commanding officer of said company to call out his corps for parade at least six times in each and every year.

Sec. 4. *Be it further enacted*, That all persons who may become members of the said company and serve in it for the space of ten years, shall thereafter be exempt from military duty, except in cases of insurrection or invasion.

Sec. 5. *Be it further enacted*, That at all courts martial of this company, the commissioned officer highest in rank present shall preside and give judgment and issue executions in his name, and be clothed with all the power and authority of captain of volunteer corps.

Sec. 6. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCXLIX.

AN ACT to incorporate the Chatham Guards.

Sec. 1. *Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same*, That the volunteer company in the town of Pittsborough, commanded by W. P. Taylor, be, and the same is hereby declared to be a body politic and corporate, by the name and style of the "Chatham Guards;" and shall have power and authority to make such by-laws, not inconsistent with the Constitu-

tution and laws of this State, as they may deem necessary for the regulation of the Company.

Sec. 2. *Be it further enacted*, That all fines and amercements which shall be collected by said company, shall enure to the use of the same.

Sec. 3. *Be it further enacted*, That said company shall be exempt from all military duty, except in case of insurrection and invasion, after they shall have performed military duty, at least six times in each year, for the period of twelve years.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

CHAPTER CCCL.

AN ACT to incorporate the Nashville Guards.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the company of infantry in the town of Nashville, Nash county, commanded by L. N. B. Battle, be, and the same is hereby constituted and declared to be a body politic and corporate, by the name and style of the "Nashville Guards," and shall have all the powers, privileges and immunities, and be subject to all the liabilities usually incident to bodies of a like nature.

Sec. 2. *Be it further enacted*, That all monies collected by authority of this act, shall enure to the sole use and benefit of said company.

Sec. 3. *Be it further enacted*, That the company shall

be mustered for drill and parade at least six times in every year.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 28th January, 1851.]

CHAPTER CCCLI.

AN ACT to incorporate the Ringgold Guards.

Sec. 1. *Be it enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same*, That the company of Infantry in the city of Raleigh, commanded by John A. Stuart, be, and the same is hereby incorporated by the name of "The Ringgold Guards;" and shall have authority to make such by-laws, for the regulation of said company, not inconsistent with the constitution and laws of this State and of the United States, as they shall deem fit.

Sec. 2. *Be it further enacted*, That all fines and amercements which shall be collected by the company, shall inure to their own use.

Sec. 3. *Be it further enacted*, That the said captain, or other commanding officers of said company, shall at least six times in each year, order out the said company to muster in the city of Raleigh, and shall also, at least four times in each year, drill the officers, commissioned and non commissioned, of the company, to improve them in military discipline.

Sec. 4. *Be it further enacted*, That this act shall be in force from and after its ratification.

[Ratified 27th January, 1851.]

RESOLUTIONS

OF

A PRIVATE NATURE,

PASSED BY THE

GENERAL ASSEMBLY OF NORTH-CAROLINA,

AT ITS

SESSION OF 1850-'51.

Resolution in favor of Saral Avery.

Resolved, That the Public Treasurer pay to Saral Avery, widow of John Avery, the sum of sixty dollars, it being the amount allowed her for pension for the year eighteen hundred and fifty; and that he be allowed the same in the settlement of his public accounts.

[Ratified 27th January, 1851.]

Resolution in favor of J. Brown.

Resolved, That the Public Treasurer be authorized to pay to J. Brown the sum of one dollar and eighty five cents, and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 29th January, 1851.]

Resolution in favour of James M. Brooks, administrator of J. K. Brooks, dec'd, late sheriff of Caswell County.

Resolved, That the Treasurer be and he is hereby instructed to pay out of any moneys on hand, the sum of Eighteen Dollars and sixty four cents, to James M. Brooks, administrator of John K. Brooks, dec'd. late sheriff of Caswell County, it being the amount paid to the Treasurer for insolvents in Caswell County.

[Ratified 29th January, 1851.]

Resolution in favor of John Berry and Hugh Waddell.

Resolved, That the Public Treasurer pay to John Berry the sum of three hundred and twenty three dollars and sixty cents, and to Hugh Waddell the sum of eighty dollars and sixty four cents, out of any money in the Treasury not otherwise appropriated, that being the amount paid by them respectively for the attendance of witnesses, &c. in pursuance of an order of the Senate at the session of 1848-9, in the contested election between said parties; and that the Public Treasurer be allowed the same in the settlement of his accounts.

[Ratified 27th January, 1851.]

Resolution in favor of Henry Castlberry.

1. *Resolved*, That the Public Treasurer be directed to

pay Henry Castleberry the sum of two dollars and twenty cents; and that he be allowed the same in the settlement of his public accounts.
$2. 20.

[Ratified 27th January, 1851.]

A Resolution in favor of Samuel W. Chadwick, Sheriff of Craven County.

Resolved, That Samuel W. Chadwick, sheriff of Craven County, be, and is hereby authorized and empowered to collect arrears of taxes due for the year eighteen hundred and forty eight: *Provided*, that the authority hereby granted shall not extend to persons who have removed from said County, nor to executors or administrators, nor to any person who will voluntarily swear, before any Justice of the Peace of said County, that he, she or they verily believe that the arrears of taxes claimed from him, her or them have been paid; *and provided further*, that the power and authority hereby granted shall cease and determine with the year eighteen hundred and fifty one.

[Ratified 29th January, 1851.]

Resolution for the relief of the Clerk of the County Court of Chowan County.

Resolved, That the judgments obtained by Charles L.

Hinton, Public Treasurer of this State, to the use of the State of North Carolina, on motion of the Attorney General, in the Superior Court of law in and for the County of Wake, at Fall Term, 1849, of said Court, under the 34th section of an act entitled "An Act to provide for the collection and management of the Revenue of this State," against Wm. R. Skinner, Clerk of the County of Court of Chowan, be, and the same are hereby remitted, upon payment of all costs incurred in rendering up said judgments; and that all penal- and forfeitures therein, thereby and under the 84th section of the same statute incurred, are also severally remitted and released.

Sec. 2. *And be it further enacted*, That all suits pending in the Superior Court of law for the County of Wake, against the said Wm R. Skinner, for forfeitures incurred under the 84th section of said act, be, and the same are hereby directed to be dismissed; and that the said William R. Skinner be forever discharged and released therefrom, upon the payment of all costs incurred therein.

[Ratified 15th January, 1851.]

Resolution in favor of John N. Curtis, late sheriff of McDowell County, and his sureties on his official bonds for the years, 1844-45-46-47-&1848.

1. *Resolved*, That John N. Curtis, late sheriff of McDowell County, be, and he is hereby authorised to collect all arrearages of taxes due from the citizens of McDowell County for the years 1844-45 46-47-&-48.

2. *Resolved further*, That the sureties on the official bond of said sheriff, for the year 1844, be likewise empowered to

collect the arrearages of taxes due from the citizens of said county, and collectable in that year. That the sureties on the official bond of said sheriff for the year 1845 be likewise authorized to collect arrearages of taxes due and collectable in that year. And that the sureties on the official bond of said sheriff for the vear 1846 be likewise authorized to collect arrearages of taxes due in said county and collectable in that year. And that the sureties, on the official bond of said sheriff for the year 1847, be likewise authorized to collect arrearages of taxes due in said county and collectable in that year. And that the sureties on the official bond of said sheriff for the year 1848, be authorized to collect all arrearages of taxes due in said county and collectable in that year, *Provided*, the authority hereby given shall not extend to persons who have removed from the county, nor to executors or administrators, nor to any one who will voluntarily swear that the arrears claimed from him or her has been paid.

[Ratified 28th January, 1851.]

Resolution in favor of H. T. Dyer, sheriff of Wilkes County.

Resolved, That the Treasurer pay to H. T. Dyer, sheriff of Wilkes, out of any moneys on hand not otherwise appropriated, the sum of one hundred dollars, overpaid by him in a settlement of his public accounts with the Comptroller; and that he also pay to said H. T. Dyer interest on said sum from 24th Sept. 1849, to the time of settlement.

[Ratified ———.]

Resolution in favour of James G. Dickson, late representative from the county of Duplin.

Resolved, That the Public Treasurer be authorized to pay to James G. Dickson, late representative from the County of Duplin, the sum of forty eight [48] dollars; and that he be allowed the same in the settlement of his accounts.

[Ratified 28th January, 1851.]

Resolution in favor of the Doorkeepers.

Resolved, That the Public Treasurer pay to each of the Doorkeepers of both Houses twenty five dollars, the usual extra allowance; and that they be compelled to pay out of the same the hands necessarily employed by them for bringing wood and water to the State House during the present Session.

[Ratified 28th January, 1851.]

Resolution in favour of Samuel B. Dozier, sheriff of Currituck County.

Resolved, That the judgment obtained by Charles L. Hinton, Public Treasurer of this State, to the use of the State of North Carolina, on motion of the Attorney General, in the Superior Court of law in and for the County of Wk e, at its fall term, 1850, of said court, under the sixty sixth sec-

tion of an "Act to provide for the collection and management of the revenue of this State", against Samuel B. Dozier, sheriff of the county of Currituck, be and the same is hereby remitted, upon payment of all costs incurred in rendering up said judgment; and that all penalties and forfeitures, therein and thereby and under the sixty sixth sec. of the same statute incurred by him, are also remitted and released, upon payment of all sums due the State, and whenever the said sheriff shall pay to the public Treasurer the amount due and all costs incurred therein for having failed to settle his public accounts, as required by the sixty sixth section.

2. Be *it further Resolved*, That all suits pending in the superior court of law for the county of Wake, against said Samuel B. Dozier, for forfeitures incurred under the sixty sixth section of said act, be, and the same are hereby dismissed, whenever the said Samuel B. Dozier shall pay the full amount due from him to the State, and that he be forever discharged and released therefrom, upon payment of all costs incurred therein.

[Ratified 27th January, 1851.]

Resolution in favor of Alexander Duckworth, sheriff of Burke County.

Resolved, That the Treasurer be, and he is hereby required to refund and pay to Alexander Duckworth, the sheriff of Burke County, out of any funds in the Public Treasury, the sum of nineteen dollars and twenty cents, being the amount paid by him into the Public Treasury for insolvent taxables for years 1846 and 1847, which said taxes were not

collected by the said sheriff by reason of the insolvency or removal of the persons from whom they were due after the time when the lists of taxables were taken in the years 1846, and 1847, respectively.

[Ratified 28th January, 1851.]

Resolution in favor of the Engrossing Clerks.

Resolved, That the third section of the resolution relating to State Capitol passed at the session of the Legislature of 1846 & 47, be so amended as to permit the engrossing clerks to have a bed in the engrossing clerks' room during the present session.

[Ratified 28th December, 1850.]

Resolution in favor of Susannah Fox.

Resolved, That the Secretary of State be authorized and required to issue a grant for one hundred acres of land lying in the county of Burke, to Susannah Fox, it being the same land entered by Susannah Powell (now Susannah Fox) on the 8th day of November 1842, and surveyed by the county surveyor of Burke county 29th April, 1848.

[Ratified 22nd January, 1851.]

Resolution in favour of Clark Guye.

WHEREAS Clark Guye, through mistake, entered fifty acres of land in the county of Macon which had been sold by the State:

Resolved, That when said Guye shall have returned the Grant issued to him for the above named tract of land into the office of the Secretary of State, the Public Treasurer is hereby authorized to refund two dollars and fifty cents, the amount paid to the State for said land.

[Ratified 28th January, 1851.]

Resolution in favour of Mary W. Fuller, of the county of Franklin.

Resolved, That the Public Treasurer pay to Mary W. Fuller, of the county of Franklin, the sum of three hundred dollars, it being intended as a full compensation for the injury which she received while a passenger upon the Raleigh and Gaston Rail Road in the month of June last; and that he be allowed the same in the settlement of his accounts.

[Ratified 27th January, 1851.]

Resolution in favour of William Hill, Secretary of State.

Resolved, That the Public Treasurer be authorized

and required to pay to William Hill, Secretary of State, one dollar and fifty cents, for furnishing a copy of a plot and survey of a tract of lying in Yaney County to the attorney general for the purpose of enabling him to file an information in the name and for the benefit of the State, in the supreme Court at Morganton, to vacate a grant heretofore issued to Aden Carver.

[Ratified 28th January, 1851.]

Resolution in favor of William F Hilliard.

Resolved, That the Public Treasurer pay to Wm. F. Hilliard the sum of one hundred and fifty eight dollars and sixty eight cents, being the amount of money due him for timber furnished for the Raleigh and Gaston Rail Road; and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 28th January, 1851.]

Resolutions in favour of Joseph S. Holt, late sheriff of Alamance County.

Resolved, That Joseph S. Holt, late sheriff of Alamance County, be, and he is bereby allowed to settle with the Comptroller the amount of Public Taxes due by him as such sheriff as aforesaid, and that he be allowed on such settlement his commissions and insolvents as though said settlement had been made at the time required by law.

2. *And be it further Resolved*, That when said Holt shall make the aforesaid settlement and pay all such sums as may

appear to the Comptroller to be due to the State, from said Joseph S. Holt as such sheriff as aforesaid, then the judgment obtained by Charles L. Hinton, Public Treasurer of this State, to the use of the State of North Carolina, on motion of the attorney general, in the Superior Court of law, in and for the county of Wake, at fall term 1850, of said court, under the 85th section of an act entitled "An Act to provide for the collection and management of the revenue of this State," against the said Holt and his sureties, be, and the same is hereby remitted, upon payment of all costs incurred in rendering up said judgment; and that all penalties and forfeitures therein, thereby and under said section of said statute incurred, be also remitted and released, upon such settlement and payment as aforesaid: *Provided*, that he shall pay the amount of taxes and interest from the time the law requires the settlement until he actually makes the settlement.

[Ratified 28th January, 1851.]

Resolution in favour of M. W. Kincaid, late sheriff of the County of Burke.

Resolved, That the Public Treasurer pay to M. W. Kincaid, late sheriff of the county of Burke, fifty seven dollars and forty seven cents, being an amount of money overpaid by said sheriff into the Public Treasury.

[Ratified 28th January, 1851.]

Resolution in favour of Joseph King.

Resolved, That the sum of twenty dollars be and the same is

hereby directed to be paid to Joseph King, out of any money in the Treasury not otherwise appropriated, for carrying a writ of election to Rockingham County; and that the Public Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 28th January, 1851.]

Resolution for the relief of Augustin Landis, Clerk of the county court of Granville.

Resolved, That the judgments obtained by Charles L. Hinton, Public Treasurer, to the use of the State of North Carolina, on motion by the Attorney General, in the Superior Court of law in and for the county of Wake, at the fall Term, 1849, of said Court, under the 102nd chapter Revised Statutes, section, 34th, 83rd, and 84th, of an act entitled "An Act to provide for the collection and management of the revenue of this State," against Augustin Landis, clerk of the county court of Granville, be, and the same are hereby remitted, upon payment of all costs incurred in rendering said judgments, and that all penalities and forfeitures therein, thereby and under the said Sections of the said statute incurred, be also severally remitted and released.

[Ratified 24th January, 1851.]

RESOLUTION in favor of W. J. Lougee.

Resolved, That the Public Treasurer be authorized to pay to W. J. Lougee the sum of six dollars and fifty five cents;

and that he be allowed the same in the settlement of his public accounts.

[Ratified 29th January, 1851.]

RESOLUTION in favor of Joshua E. Lumsden.

1. *Resolved*, That the Public Treasurer be, and he is hereby directed to pay Joshua E. Lumsden the sum of seventeen dollars and sixty cents; and that he be allowed the same in the settlement of his accounts.

[Ratified 24th January, 1851.]

RESOLUTION in favor of James McKimmon.

Resolved, That the Public Treasurer be authorized to pay to James McKimmon the sum of one hundred and fifty eight dollars and seventy cents; and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 29th January, 1851.]

RESOLUTION in favor of Henry W. Miller.

Resolved, That the Public Treasurer pay to Henry W. Miller twelve dollars, for two days service as chief clerk of the Senate at the commencement of this session.

[Ratified 29th January, 1851.]

RESOLUTION in favor of P. P. Moore, Richeson Nichols and E. A. Heartt.

Resolved, That the Public Treasurer be authorized and directed to pay to Peyton P. Moore and Richeson Nichols, commissioners appointed by the Senate at the session of the Legislature of 1848-49, the sum of one dollar and fifty cents each, per day, for fourteen days, amounting to twenty-one dollars each; and that Edwin A. Heartt, the clerk to said commissioners, be allowed to receive the sum of two dollars per day for fourteen days; and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 28th January, 1851.]

RESOLUTION in favor of Elijah S. Moore, late sheriff of Caldwell county.

Resolved, That the Public Treasurer be, and he is hereby directed to pay and refund to Elijah S. Moore, late sheriff of Caldwell county, the sum of eight dollars and fifty-two

cents, being the excess paid by said sheriff into the public treasury beyond the actual amount of taxes due upon the lands of Erwin and Baird.

[Ratified 24th January, 1851.]

A RESOLUTION in favor of Joseph C. Newland, late clerk of the county court of Caldwell county.

Resolved, That the judgments obtained by Charles L. Hinton, Public Treasurer of this State, to the use of the State of North Carolina, on motion of the Attorney General, in the Superior court of law, in and for the county of Wake, at Fall term 1849, under the 34th and 83rd sections of an act entitled "An Act to provide for the collection and management of the revenue for the State," against Joseph C. Newland, late clerk of the county court of Caldwell county, be, and the same are hereby remitted, upon payment of all costs incurred in rendering up said judgments, and that all penalties and forfeitures therein, thereby and under the 34th and 83rd sections of the same statute incurred, are also severally remitted and released.

[Ratified 15th January, 1851.]

RELOLUTION in favor of Jennings Pigott.

Resolved, That the Public Treasurer be authorized to pay Jennings Pigott, member from Carteret county in the session of 1846-7, his per diem for nine days detention after adjournment of the Legislature by sickness, and that he be allowed the same in the settlement of his public accounts. $27,00

[Ratified 29th January, 1851.]

RESOLUTION for the relief of Francis J. Prentis and others.

Resolved, That the judgment obtained by Charles L. Hinton, Public Treasurer of the State, to the use of the State of North Carolina, on motion of the Attorney General, in the Superior court of law in and for the county of Wake at Fall term, 1848, of said court, against Francis J. Prentis, for the sum of four hundred dollars, for a penalty incurred by him in failing, as sheriff of Craven county, to settle his accounts with the Comptroller of the State within the time limited by law, and also a judgment obtained by the said Charles L. Hinton, Public Treasurer as aforesaid, on motion of the Attorney General, in the Superior Court of of law, in and for the county of Wake, at Fall Term, 1850, of said court, against John L. Durand, Samuel Masters, Charles T. Saunders, Hiram Brinson and John Osgood, sureties of the said Francis J. Prentis, sheriff as aforesaid, for the same penalty, be, and are hereby remitted upon payment of all costs incurred in rendering up said judgments.

[Ratified 17th January, 1851.]

RESOLUTION in favor of James Puttick.

Resolved, That the Public Treasurer be authorized to pay to James Puttick the sum of twenty-five dollars, in full of his accounts against the State of North Carolina, and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 29th January, 1851.]

RESOLUTION in favor of Enoch Reece and James Mann.

WHEREAS, Enoch Reece entered fifty acres of land, and James Mann one hundred acres, in the entry taker's office of the county of Haywood, caused the same to be surveyed, and have made payment in full therefor:

Resolved, therefore, That the Secretary of State, be, and he is hereby authorized to issue a grant to said Reece for entry No. 249 and to said Mann for entry No. 246, provided it shall appear that said entries have been paid for in full.

[Ratified 28th January, 1851.]

RESOLUTION for the relief of the estate of John Riddick, dec'd, late Clerk of the county court of Gates.

Resolved, That the several judgments obtained by Charles L. Hinton, Public Treasurer of this State, to the use of the State of North Carolina, on motion of the Attorney General, in the Superior court of law in and for the county of Wake, at Fall term, 1849, of said court, under the 34th, 37th and 84th sections of an act entitled "An Act to provide for the collection and management of a revenue for this State," or under either of said sections of said act, against John Riddick, dec'd, late clerk of the court of pleas and quarter sessions of Gates county, be, and the same are hereby severally remitted, upon payment of all costs incurred in rendering up said judgments respectively; and all penalties and forfeitures therein and thereby incurred are also severally remitted and released.

[Ratified 27th January, 1851.]

RESOLUTION to pay John A. Roseboro fourteen dollars and nineteen cents.

Resolved, That the Public Treasurer pay to John A. Roseboro, sheriff of Iredell county, fourteen dollars and nineteen cents; and that he be allowed the same in the settlement of his public accounts.

[Ratified 28th January, 1851.]

RESOLUTION in favor of John H. Roberts, clerk of the county court of Gaston county.

Resolved, That the several judgments obtained by Charles L. Hinton, Public Treasurer of this State, to the use of the State of North Carolina, on motion of the Attorney General, in the Superior Court of law, in and for the county of Wake, at — Term, 1849, under the 34th section of an act, entitled "An Act to provide for the collection and management of the revenue of this State," against John H. Roberts, clerk of the county court of Gaston county, be, and the same are hereby severally remitted, upon payment of all costs incurred in rendering up said judgments respectively; and that all penalties and forfeitures therein and thereby, and under the 84th section of the same statute incurred, are also severally remitted and released.

[Ratified 27th January, 1851.]

RESOLUTION in favor of Darling Rushing, sheriff of Union county, and John B. Allison, sheriff of Haywood county.

Resolved, That Darling Rushing, sheriff of Union county, and John B. Allison, sheriff of Haywood county, be authorised to collect all arrearage of taxes due them in said counties respectively for the years 1846–7–8–9 and '50.

[Ratified 28th January, 1851.]

RESOLUTION in favor of A. H. Sanders, Sheriff of Montgomery county.

Resolved, That the Public Treasurer pay to Aaron H. Sanders, Sheriff of Montgomery county, the sum of fourteen dollars and twenty one cents, out of any monies in his hands not otherwise appropriated, the same being an amount overpaid by said sheriff in settling the state tax for the year 1848–9, and for which he was not properly liable.

[Ratified 14th January, 1851.]

RESOLUTION in favor of T. H. Selby.

Resolved, That the Public Treasurer be authorized to pay to T. H. Selby the sum of fourteen dollars and twenty eight cents; and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 29th January, 1851.]

RESOLUTION in favor of Jacob Siler.

WHEREAS, Jacob Siler, agent of the State for the collection of Cherokee bonds, collected on a bond due to the State from John Painter and his securities, and paid over the same to the Treasurer, five dollars and five cents more than

was due the State, after deducting a credit which was not perceived at the time of settlement, and whereas said agent, after discovering the mistake, paid back to the said Palmer the sum of five dollars and five cents which he had overpaid:

Be it therefore resolved, That the Public Treasurer pay to the said Jacob Siler or place to his credit five dollars and five cents, the sum paid into the Treasury by mistake, if on examination he deems him entitled thereto.

[Ratified 22nd January, 1851.]

RESOLUTION in favor of Jason Sherrill.

WHEREAS, at the sale of Cherokee Lands in 1820, Henry Wikle became the purchaser of a tract of land in the county of Haywood, in District No. 2, Section No. 12, containing one hundred and forty seven and three quarter acres, and subsequently conveyed it to Jesse C. Corkerham, who transferred his interest therein to Jason Sherrill, the present occupant; but in consequence of said deed of conveyance having been lost or mislaid, and the said Jesse C. Corkerham having removed from the State, said Sherrill is unable to obtain a grant for said land, notwithstanding the State has received payment in full therefor:

Be *it therefore resolved*, That the Secretary of State be authorized to issue a grant to said Jason Sherrill, his heirs or assigns, for said tract of land, upon satisfactory proof being made that he is the present owner thereof, and that payment has been made in full to the State.

[Ratified 27th January, 1851.]

RESOLUTION in favor of Richard Smith.

Resolved, That the Public Treasurer be authorized to pay to Richard Smith the sum of three dollars and ten cents; and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 29th January, 1851.]

RESOLUTION in favor of Henry Spivey, late Sheriff of Northampton county.

Resolved, That the Public Treasurer be authorized to pay Henry Spivey, late Sheriff of the county of Northampton, the sum of six dollars, it being the amount overpaid by the said Spivey as a tax on gates in the settlement of his public accounts; and that the said sum be allowed the Treasurer in the settlement of his accounts.

[Ratified 28th January, 1851.]

RESOLUTION in favor of Joseph Stamey, Executor of J. R. Stamey, late Sheriff of Lincoln county.

Resolved, That Joseph Stamey and Nelly Stamey, Executors of John R. Stamey, decd., late Sheriff of Lincoln county, be, and they are hereby empowered to collect all taxes due the said estate for the year 1843.

[Ratified 28th January, 1851.]

RESOLUTION to pay S. P. Tipton, one hundred and thirteen dollars.

Resolved, That the Public Treasurer be and he is hereby authorized and directed to pay to S. P. Tipton, of Cherokee county, the sum of one hundred and thirteen dollars, out of any money in the Public Treasury not otherwise appropriated, being the amount of money advanced by the said S. P. Tipton for having monuments erected over the graves of thirteen of the soldiers belonging to the company of volunteers commanded by him in Mexico; and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 28th January, 1851.]

Resolution in favor of William Thompson.

Resolved, That the Public Treasurer be authorized to pay William Thompson the sum of eighteen dollars; and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 29th January, 1851.]

Resolution in favor of R. Tucker & Son.

Resolved, That the Public Treasurer be authorized to pay the sum of fifteen dollars and ninety two cents, and that the Treasurer be allowed the same in the settlement of his public accounts.

[Ratified 29th January, 1851.]

Resolution in favor of James A. Turnel, late sheriff of Johnston County.

Resolved. That James A. Turnel, late sheriff of Johnston County, be authorized to collect the taxes due for the years 1846–7 & 8.

[Ratified 24th January, 1851.]

Resolution in favor of H. D. Turner.

Resolved, That the Public Treasurer be authorized to pay Henry D. Turner the sum of two hundred and ninety eight dollars; and that the Treasurer be allowed same in the settlement of his public accounts.

Ratified 23th January, 1851.

RESOLUTION in favor of John H. Wheeler.

Resolved, That John H. Wheeler have permission to borrow books from the State Library, to be used in this city, upon giving his receipt therefor, and also to make, or cause to be made, extracts from such books or records in the Executive Departments as may be useful to him in the preparation of a work in which he is engaged: *Provided, however*, that this resolution, and the privileges thereby granted, shall continue and be in force for one year and no longer.

[Ratified 24th January, 1851.]

A Resolution in favor of P. B. Williams, late sheriff of the late county of Polk.

Resolved, That Pulaski B. Williams, the late sheriff of the late County of Polk, be, and he is hereby authorized and empowered to collect the arrears of taxes due for the years in which he acted as sheriff of said County.

[Ratified 27th January, 1851.]

RESOLUTION in favor of W. W. White.

Resolved, that the Public Treasurer be authorized to pay to William W. White the sum of ninety seven dollars and twenty five cents, for hauling three hundred and eighty nine cords of wood to Henderson depot, on Raleigh and Gaston Railroad, and that he be allowed the same in the settlement of his public accounts.

[Ratified 28th January, 1851.]

RESOLUTION to pay Wm. H. Whitson ($145 76) one hundred and forty five dollars and seventy six cents.

1 *Resolved*, That the Public Treasurer pay to Wm. H. Whitson, administrator of Asa Tatum, deceased, the sum of one hundred and forty five dollars and seventy six cents, being the amount deposited according to law by the clerk and master of Orange Superior court of equity, in trust for the benefit of said deceased.

Read three times and ratified in General Assembly, this 28th day of January, 1851.

J. C. DOBBIN, S. H. C.
W. N. EDWARDS, S. S.

STATE OF NORTH CAROLINA:

OFFICE OF THE SECRETARY OF STATE, }
April, 1851. }

I, William Hill, Secretary of State, in and for the State of North Carolina, do hereby certify that the Acts and Resolutions contained in this Pamphlet are true copies of the original Acts and Resolutions, passed by the General Assembly of this State, at its late Session.

WM. HILL, Secretary of State.

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REPORT

OF THE

PUBLIC TREASURER,

TO THE

Legislature of North Carolina,

AT THE

SESSION OF 1850-'51.

RALEIGH:

THOMAS J. LEMAY, PRINTER TO THE LEGISLATURE.

1850.

TREASURY OFFICE,
Nov. 25, 1850.

SIR:

I have the honor herewith to enclose to you, to be laid before the General Assembly a Report prepared in obedience to an act of Assembly, entitled an Act concerning the Treasurer of the State. I have the honor to be,

With very great respect,
Your ob't servant.
C. L. HINTON, Pub. Treas.

Hon. J. C. DOBBIN,
Speaker of the House of Commons.

REPORT.

TREASURY DEPARTMENT,
Nov. 25, 1850.

To the Honorable,

The General Assembly of the State of North Carolina:

In obedience to law, the Public Treasurer respectfully submits the following detailed statement of the state of the Treasury on the 1st November, 1850.

1.—REVENUE AND EXPENDITURES.

Receipts of the Public Treasurer from the 1st Nov. 1848, to the 31st of October, 1850, are as follows:

1848.		
Nov.	Cash received of Wm. H. Jones, Cashier of the Bank of Cape Fear as dividend No. 78, of 3 per cent. on 10 shares of stock held by the State,	$30 00
	Do on 112 shares of stock held in said Bank by the Board of Internal Improvement,	336 00
	" J. A. Tunnell, late Sheriff of Johnston county, as additional return of Public Tax, 1847,	56 40
	" J. Y. Hicks, as payment of Judgment against John Dobsen for purchase of Cherokee lands, (sale of 1822,)	105 00
Dec.	" J. R. Dyche, Sheriff of Cherokee, for Public Tax for 1847,	200 31

1849.		
Jan'y.	" Jacob Siler, amount collected on Cherokee Bonds,	1,243 92
	" E. B. Freemen, Clerk Supreme Court, amount collected on Attorneys' License,	330 00
	" W. H. Jones, Cashier, amount borrowed of the Bank of Cape Fear, as pr. resolution of the Legislature.	40,000 00
Feb.	" C. Dewey, Cashier, amount borrowed of the Bank of the State of N. C. as per resolution of the General Assembly,	21,128 14
March.	" Wm. F. Collins, amount for old Office of the Governor and Secretary, sold at public auction,	550 12
	" E. Smith, amount of Note,	21 75
	" For Bonds issued by the State by authority of an act of Legislature 1848 and '49, redeemable in 10 years,	18,000 00
April.	Do Do	21,700 00
	" Jacob Siler, agent, amount collected on Cherokee Bonds,	675 00
May.	" For Bonds issued by the State,	50,000 00
	" W. H. Jones, Cashier, being dividend No. 79, of 3 per cent. on 10 shares of stock held by the State in the Bank of Cape Fear,	30 00
	" Do Bo on 112 shares of stock held by the Board of Internal Improvement,	336 00
June.	" Bonds issued by the State,	10,200 00
	" E. B. Freeman, Clerk Supreme Court, as Tax Atto. Licence,	180 00
July.	" Bonds issued by the State,	100,100 00
	" Interest on Raleigh and Wilmington Rail Road Bonds,	3,000 00
July.	" For sundries,	15 00
Aug.	" Sheriffs for Public Tax, 1848,	18,688 59

1849		
Aug.	" Received of Jacob Siler, agent, for collecting Cherokee Bonds,	$00 00
	" W. W. Clark, as tax of 25 cents on 2250 shares of stock in the Merchants' Bank ot Newbern,	562 50
	" O. G. Parsley, as tax of 25 cents per share on 1823 shares of stock in the Commercial Bank of Wilmington,	455 75
	" J. R. Dodge, Clerk Supreme Court at Morganton, as tax on Attorneys' License,	180 00
Sept.	" Sundry Sheriffs, as public tax 1848,	93,743 58
Oct.	" Amount of Bonds issued for construction of Fayetteville and Western Plank Road,	21,500 00
	" C. Dewey, Cashier, as tax of 25 cents per share on 8973 shares of individual stock in the Bank of the State of N. C.,	2,243 25
	" W. H. Jones, Cashier, as tax of 25 cents per share on 9556 shares of individual stock in the bank of Cape Fear,	2,389 00
	" Jacob Siler, agent, amount collected on Cherokee Bonds,	345 00
	" W. L. Ballew, late Sheriff of Catawba, for public tax for 1848,	607 23
	" J. R. Gill, Sheriff of Hyde, additional tax 1848,	3 47
Nov.	" Amt. of Bonds issued for Fayetteville and Western Plank Road,	2,000 00
	" W. H. Jones, Cashier, dividend No. 80, of 3 per cent. on 10 shares of stock in the Bank of Cape Fear,	30 00
	" Do Do Do on	

1849	112 shares held by the Board of Internal Improvement,	336 00
Dec.	" Jacob Siler, agent, for collecting Cherokee Bonds,	105 00
1850.		
Jan.	" W. B. Marsh, Sheriff of Davie, for additional returns of public tax for 1849,	75
	" E. B. Freeman, Clerk of Supreme Court, as tax on Atto. License,	310 00
M'ch.	" Amount of Bonds issued for Fayetteville and Western Pl'k Road.	12,000 00
	" Jacob Siler, (agent,) amount colleteed on Cherokee Bonds,	217 00
Apr'l	" Amount of Bonds issued for Fayetteville and Western Pl'k Road,	2,000 00
May.	" W H. Jones, Cashier, Dividend No. 81 of 3½ per cent. on 112 shares of stock held by Board of Internal Improvement,	392 00
	Do Do Do on 10 shares held by the State,	35 00
June.	Cash received of E. B. Freeman, Cl'k. Supreme Court, as tax on Atto License,	160 00
July.	' W. H. Jones, Cashier, as interest on $50,0 0, of Wilmington and Raleigh Rail Road Bonds, due Jan'y. 1850,	1,500 00
	" Do. as interest on same due in July,	1,500 00
	'Jacob Siler, Agent, amount collected on Cherokee Bonds,	230 00
August.	" Sundry Sheriffs for Public Tax, 1849,	28,895 87
	" Amount of Bonds issued for Fayetteville and Western Plank Road,	5,000 00

1850		
	" W. W. Clark, Cashier, as tax on 25 cts. on 2250 shares of stock in the Merchants Bank of Newbern.	562 50
	" O. G. Parsley, as tax of 25 cts. on 1823 shares of stock in the Commercial Bank of Wilmington,	455 75
	" J. R. Dodge, Cl'k. Supreme Court at Morganton, as tax on Atto. License,	110 00
Sept'r.	" Sundry Sheriffs tax for 1849,	112,713 14
	" Amount of Bonds issued for Fayetteville and Western Plank Road	5,000 00
	" C. Dewey, Cashier, as tax of 25 cts. on 8793 shares of Individual stock in Bank of the State,	2,243 25
	" W. H. Jones, Cashier, as tax of 25 cts. on 9556 shares of Individual stock in the Bank Cape Fear,	2,389 00
	" Cashier as tax of 25 cents on 7600 shares of stock in the Bank of Fayetteville,	950 00
	" James Rowley, Clerk County Court of Currituck, amount recieved of James Pigett, Commissioner of wrecks,	127 16
Oct.	" Interest on stock owned by the State in the Buncombe Turnpike Company,	475 00
		176,767 42
	Add receipts, 1849,	412,756 01
	Sum of receipts 1849 & '50,	$592,523 43

CR.

The expenditures from the public Treasury for the same period, viz; from the 31st October, 1848, to the 1st November, 1850, are as follows:

Balance due Public Treasurer on the 1st Nov. 1848;			$37,068 07
Paid Judiciary,	1849,	$29,232 80	
Do	1850,	30,748 26	
			59,981 06
Paid principal on Raleigh & Gaston Rail Road Bonds redeemed,	1849,	26,000 00	
Do Do	1850,	33,000 00	
			59,000 00
Paid interest on Raleigh and Gaston R. R. Bonds,	1849,	39,075 00	
Do Do	1850,	37,654 00	
			76,729 00
Paid interest on State loan,	1849,	6,405 00	
Do Do	1850,	4,019 47	
			10,424 47
Paid Weights & Measures,	1849,	825 70	
Do Do	1850,	50 00	
			875 70
Paid Treasury Notes burnt,	1849,		2 95
Paid debts of the Raleigh and Gaston Road, as per Resolution,	1849,		21,148 00
Paid Bank of the State, amount of note for same,	1849,		25,739 55
Do. amount borrowed to purchase Iron for same as per Resolution,	1849,		15,000 00
Paid Post Office,	1849,	267 47	
Do Do	1850,	255 39	
			522 86
Paid Public Printing,	1849,	4,579 74	
Do Do	1850,	842 23	
			5,421 97
Paid Pensioners,	1849,	755 00	
Do	1850,	330 00	
			1,085 00
Paid State Capitol,	1849,	125 10	
Do Do	1850,	52 80	
			177 90

Paid Salisbury and Western Turnpike Road,	1849,	2,504 50	
Do Do	1850,	7,675 00	
			10,179 50
Paid Int. on State Bonds,	1849,	742 40	
Do Do	1850,	12,077 19	
			12,819 59
Paid Interest on Fayetteville and Western Plank Road Bonds,	1850,		1,344 78
Paid Executive Department,	1849,	2,300 00	
Do Do	1850,	2,348 00	
			4,648 00
Paid Treasury Department,	1849,	2,000 00	
Do Do	1850,	2,000 00	
			4,000 00
Paid Secretary Department,	1849,	800 00	
Do Do	1850,	800 00	
			1,600 00
Paid Compt's Department,	1849,	1,000 00	
Do Do	1850,	1,000 00	
			2,000 00
Paid Adjutant General,	1849,	200 00	
Do Do	1850,	200 00	
			400 00
Paid Superintendent of Public Buildings,	1849,	260 00	
Do Do	1850,	260 00	
			520 00
Paid State Librarian,	1849,	525 00	
Do Do	1850,	450 00	
			975 00
Paid Governor's House,	1849,	1,323 78	
Do Do	1850,	175 75	
			1,499 53
Paid Stationery,	1849,	792 29	
Do	['50]	317 73	
			1,110 02

Paid State Library,	1849,	250 27	
Do Do	1850,	148 15	
			398 42
Paid Council of State,	1849,	171 45	
Do	1850,	169 20	
			340 65
Paid Hospital for the insane,	1850,		6,567 63
Paid Senatorial Election,	1849,	26 16	
Do Do	1850,	245 40	
			271 56
Paid Sheriffs for settling Public Tax, for	1849,	1,384 05	
Do	1850,	1,313 40	
			2.697 45
Paid Governor's Election,	1849,	56 00	
Do Do	1850,	1,212 00	
			1,268 00
Paid Contingencies,	1849,	2,860 63	
Do	1850,	1,171 81	
			4,032 44
Paid Internal Improvement,	1849,	1,320 00	
Do Do	1850,	47 50	
			1,367 50
Paid Fayetteville and Western Plank Road,	1849,	10,000 00	
Do Do	1850,	40,000 00	
			50,000 00
Paid Cape Fear and Deep River Nav. Company,	1850,		20,000 00
Paid amount borrowed of the Bank of the State,	1850,		21,148 00
Paid Interest on same,	1850,		549 55
Paid Sheriffs and Electors for Presidential Election,	1849,		2,058 43
Paid Capitol Square,	1849,		563 00
Paid International Exch's	1849,		759 00
Paid Insolvent Polls,	1849,		59 68

Paid Cape Fear Bank am't of debt due by the State,	1849,	90,000 00
Paid General Assembly,	1849,	44,632 66
Paid Congressional election,	1849,	704 28
Total,		$601,691 20
Sum of Receipts for	1849,	412,756 01
Do	1850,	176,767 42
		592,523 43
Sum of Expenditures 1849 &'50,		601,691 20
Balance due Pub. Treas. Nov. 1, 1850,		9,167 77

1849		
	Cash received of Geo. McNeil, dividend No. 30, of 1 per cent. on 650 shares of stock in the Cape Fear Navigation Company,	650 00
June.	" Received on dividend No. 19, of 2 per cent. on 5027 shares of stock in the Roanoke Navigation Com.	1,000 00
July.	" Received of C. Dewey, Cashier, dividend No. 28, of 4½ per cent. on 5027 shares of stock in the Bank of the State,	21,364 75
	" Received of Gov. Manly, amount received from Granville county for Deaf and Dumb Asylum,	150 00
	" Do as interest on bonds of the Raleigh and Gaston rail road,	4,509 00
	" Do as interest on bonds of the Wilmington and Raleigh rail road Company,	4,050 00
	" Do as interest on bond of Floral College,	60 00
Aug.	" Do amount received from Rowan county for support of Deaf and Dumb Asylum,	150 00
Sept.	" Do Do from Moore county, for support of same,	75 00
	" Received Tax on Retailers of spirits,	3,117 04
Oct.	" Received Tax on Auctioneers for 1848 and 1849	673 29
Nov.	" Received of W. H. Jones, Cashier, dividend No. 80 of 3 per cent, on 5322 shares of stock in the Bank of Cape Fear,	15,966 00

1849		
Dec.	Cash received of Col. Joyner, dividend No. 20, of 2 per cent. on 500 shares of stock in the Roanoke Navigation Company.	1,000 00
1850.		
Jan.	" Received of C. Dewey, Cashier, dividend No 29, of 4 per cent. on 5027 shares of stock in Bank of the State,	20,108 00
	" Received of Gov. Manly, as interest on bonds of the Raleigh and Gaston rail road,	4,509 00
	" Do on bonds of the Wilmington and Raleigh rail road Co.,	4,091 25
	" Do Do on bond of Wake Forest College,	600 00
	" Do Do on bond of Floral College,	60 00
	" Do Do on bond of Greensborough Female College,	10 00
	" Do Do amount paid by North Hampton county for Deaf and Dumb Asylum,	300 00
	" amount paid by Moore county for same,	133 80
M'ch	" Received of Geo. McNeill, dividend No. 31, of 1 per cent. on 650 shares of stock in the Cape Fear Navigation Company,	650 00
May.	" W. H. Jones, Cashier, dividend No. 81, of 3½ per cent. on 5322 shares of stock in the Bank of Cape Fear,	18,627 00
	" Received of Geo. McNeill, dividend No. 32, of 1 per cent, on 650	

1849		
	Cash received of Geo. McNeil, dividend No. 30, of 1 per cent. on 650 shares of stock in the Cape Fear Navigation Company,	650 00
June.	" Received on dividend No. 19, of 2 per cent. on 5027 shares of stock in the Roanoke Navigation Com.	1,000 00
July.	" Received of C. Dewey, Cashier, dividend No. 28, of 4½ per cent. on 5027 shares of stock in the Bank of the State,	21,364 75
	" Received of Gov. Manly, amount received from Granville county for Deaf and Dumb Asylum,	150 00
	" Do as interest on bonds of the Raleigh and Gaston rail road,	4,509 00
	" Do as interest on bonds of the Wilmington and Raleigh rail road Company,	4,050 00
	" Do as interest on bond of Floral College,	60 00
Aug.	" Do amount received from Rowan county for support of Deaf and Dumb Asylum,	150 00
Sept.	" Do Do from Moore county, for support of same,	75 00
	" Received Tax on Retailers of spirits,	3,117 04
Oct.	" Received Tax on Auctioneers for 1848 and 1849	673 29
Nov.	" Received of W. H. Jones, Cashier, dividend No. 80 of 3 per cent, on 5322 shares of stock in the Bank of Cape Fear,	15,966 00

1849		
Dec.	Cash received of Col. Joyner, dividend No. 20, of 2 per cent. on 500 shares of stock in the Roanoke Navigation Company.	1,000 00
1850.		
Jan.	" Received of C. Dewey, Cashier, dividend No 29, of 4 per cent. on 5027 shares of stock in Bank of the State,	20,108 00
	" Received of Gov. Manly, as interest on bonds of the Raleigh and Gaston rail road,	4,509 00
	" Do on bonds of the Wilmington and Raleigh rail road Co.,	4,091 25
	" Do Do on bond of Wake Forest College,	600 00
	" Do Do on bond of Floral College,	60 00
	" Do Do on bond of Greensborough Female College,	10 00
	" Do Do amount paid by North Hampton county for Deaf and Dumb Asylum,	300 00
	" amount paid by Moore county for same,	133 80
M'ch	" Received of Geo. McNeill, dividend No. 31, of 1 per cent. on 650 shares of stock in the Cape Fear Navigation Company,	650 00
May.	" W. H. Jones, Cashier, dividend No. 81, of 3½ per cent. on 5322 shares of stock in the Bank of Cape Fear,	18,627 00
	" Received of Geo. McNeill, dividend No. 32, of 1 per cent. on 650	

1850		
	shares of stock in the Cape Fear Navigation Company,	650 00
June.	" Received of Col. Joyner, dividend on No. 22, of 2½ per cent. on 500 shares of stock in the Roanoke Navigation Company,	1,125 00
	" Received of C. Dewey, Cashier, dividend No. 30, of 4¼ per cent. on 5027 shares of stock in the Bank of the State,	21,364 75
Sept.	" Received of Gov. Manly, as interest on the Raleigh and Gaston rail road bonds,	4,449 00
	" Do as interest on Wilmington and Raleigh rail road bonds,	4,117 50
	" Do as interest on bond of Floral College,	60 00
	" Do as interest on bond of Greensborough Female College,	210 00
Oct.	" Do interest on bond of Floral College,	60 00
	" Tavern Tax,	3,541 92
	" Auction Tax,	468 54
	" Received of Gov. Manly, President ex officio of the Lit'y Board, amount returned of cash advanced for expense of Board in attending sale of Swamp Lands,	54 57
		$347,902 37

CR

DISBURSEMENTS.

Paid support of Common Schools.	1849,	$99,449 38		
Do Do	1850,	107,339 00		
				$206,788 38
Paid Educating Deaf Mutes,	1849,	8.000 00		
Do Do	1850,	4,053 19		
				12,053 19
Paid Deaf & Dumb Asylum.	1849,			6,500 00
Paid Caldwell and Ashe Turnpike Company,	1849.	1,200 00		
Do Do	1850,	519 33		
				1,719 33
Paid expe'se of Lit'y Board, including printing &c.	1849,	1,607 90		
Do Do	1850,	834 01		
				2,441 91
Paid Swamp lands,	1849,	136 14		
Do Do	1850,	70 75		
				206 89
				$229,709 70
Amount of Receipts,	$347,902 37			
Disbursements,	229,709 70			
	$118,192 67			

C

RECAPITULATION.

The foregoing statements shew the balance of the Public Fund and the Literary Fund on the 1st of Nov. 1850.

Balance due the Literary Fund,		118,192 67
Deduct balance due Public Treasurer,		9,167 97
Leave in cash,		$109,024 90

The above balance is disposed of as follows:

Deposited in the Bank of Cape Fear,	64,985 71	
Do in Bank of the State,	43,744 15	
Cash and Vouchers in office,	295 05	
		$109,024 90

LIABILITIES & INDEBTEDNESS OF THE STATE.

1st. Raleigh and Gaston Rail Road Bonds, guaranteed by the State, the interest on which is payable semi-annually, and principal after the 1st of January, 1859,	500,000 00
2nd. Do Do interest payable semi-annually, and principal by instalments of $30,000, on the 1st of January, 1851, 1852, 1853, and the residue in 1854,	105,000 00
3rd. Balance due the Literary Fund, being the amount used from time to time, the interest payable annually, and the principal at the pleasure of the State,	118,192 00
4th. Bonds of the Public Treasurer given to the President and Directors of the Literary Fund to like amount transferred to the Public Treasurer interest payable annually, principal at the pleasure of the Legislature,	40,360 00
5th. State Bonds issued by the Public Treasurer, to pay debts due the Banks &c., by resolution of the last Legislature: interest payable annually, principal after 10 years,	200,000 00
6th. Bonds issued to pay the State's subscription on stock in the Fayetteville & Western Plank Road interest payable semi-annually, principal in 20 years,	120,000 00
7th. For amount appropriated by act of the last Legislature, for improvement of Neuse and Tar rivers; interest payable semi-annually, principal after 30 years,	65 000 00
8th. For amount due the Bank of Cape Fear, for money borrowed; interest payable semi annually,	40 000 00
9th. Stock in the Cape Fear and Deep river	

Navigation Company; interest payable annually, principal to be provided for,	80,000 00
10th. For stock in the North Carolina rail road, one fourth of which is to be paid when the work is commenced, and the remaining three fourths, at intervals of six months; interest payable semi-annually, and principal after 30 years,	2,000,000 00
Total	$3,269,552 00

The rapid progress making towards the completion of the Fayetteville and Western Plank road, and the Cape Fear and Deep River Navigation improvements, and the probability that, in a short time, a call may be made for the amount granted for the improvement of the Neuse and Tar rivers, are deemed satisfactory grounds for placing the respective amounts in the above estimate, and considered as bearing interest on the 1st of January next, although only a part has been paid on the first two, and no advancement has been made on the two latter.

From the improved condition, successful operation, and known fidelity of the Wilmington & Raleigh Railroad Co., it is believed it will continue to exercise its usual promptness in meeting the interest on the $250,000, guarantied by the State, so that no provision need be made for any contingency on that score. What amount may be wanted during the present fiscal year for the State's subscription to the N. Carolina rail road, cannot be calculated on with any degree of accuracy. The first instalment of 500,000, may be demanded in a few months.

The ordinary expenditures of the State Government average about $75,000, varying each alternate year by the meeting of the Legislature.

The demands on the Public Treasury, for the year 1851, may be stated as follows:

1st. Interest on State debts, exclusive of the State's subscription to the North Carolina Railroad, (say $1,270,552 00,) is	$76,203 00
2nd. Do on $500,000, first instalment of State's subscription to the North Carolina rail road if called for,	30,000 00
3d, Balance due Cape Fear and Deep River Navigation Company,	60,000 00

4th. Principal on the Raleigh and Gaston Railroad bonds due in January, 1851,	30,000 00
5th. Ordinary expenses of State Government increased by the sitting of the Legislature,	96,00000
Total,	$292,203 00

RESOURCES.

The resources of the State may be stated as follows:

1st. Public Tax for 1850,	$125,000 00
2nd. Tax on individual stock in the several Banks,	6,590 00
3rd. Interest on $50,000 of Wilmington and Raleigh Railroad bonds owned by the State,	3,000 00
4th. Tax on Attorney's License,	690 00
5th. Dividend on 500 shares of stock in Buncombe Turnpike Company,	500 00
Total,	$135,780 00

Thus the amount required to pay the State's liabilities, indebtedness, and ordinary expenses of State Government for 1851, will be	292,203 00
Deduct receipts at the Treasury, according to the present Revenue Law,	135,780 00
Deficit,	$156,423 00

The receipts at the Treasury will be changed to some extent, by the coming in of the deferred taxes, imposed on sundry articles in the 7th section of the revenue law of last session.

The variation for the amount required for 1851 and 1852, will depend greatly upon the demands for the State's subscription to the North Carolina Rail Road. In the above estimate, the balance due the Cape Fear and Deep River Navigation Company, ($30,000,) and which will probably be demanded during the winter and spring, will not enter into the estimate of 1852, and instead of the principal, may be placed the interest to be provided for.

The exhibit of public tax, as received from the Sheriffs in the regular report, embraces the amount received for the Hospital for the Insane, (viz.) for 1849, $19,813 34; for 1850, $19,862 36; but is excluded in the foregoing estimate of the resources of the State; which leaves a balance due the Fund, after deducting expenditures, of $33,108 07.

For a more detailed statement of the receipts and expenditures for the two past fiscal years, reference may be made to the Report of the Comptroller.

Respectfully submitted,

C. L. HINTON, *Pub. Treas.*

General Statement showing the condition of the Bank

Notes discounted,			2,112,405
U. S. 6 per cent. stock,			100,000
Bonds of Raleigh and Gaston Railroad,			83,000
Rockfish Manufacturing Company Stock,			10,000
Bills of Exchange,			429,536 70
Real Estate,			45,063 99
Due from other Banks:			
Merchants' Bank	Boston,		17,002 19
Fulton "	New York,		20,596 57
Merchants' "	do		81,339 47
Farmers' and Mechanics',	Philadelphia		5,932 76
B'k of North America,	do		8,041 91
Merchants' B'k,	Baltimore,		7,129 77
B'k of Metropolis,	Washington city,		45 33
Farmers, B'k, Va.	Richmond,		74 84
Do	Petersburg,		5,938 04
Do	Norfolk,		1,479 25
Do	Danville,		4,277 78
B'k of Va.	Petersburg,		4,551 56
Exchange B'k,	Norfolk,		4,535 72
do	Richmond,		4 28
do	Clarksville,		1,337 24
B'k of Charleston,	Charleston,		3,926 59
Planters & Mech's	do		337 35
B'k of Louisiana,	New Orleans,		581 84
B'k of Cape Fear,	Salisbury,		158 24
Do	Washington,		4,312 48
Notes of other Banks:			
	Virginia,		9,052
	South Carolina,		7,226
	North Carolina,		60,723
Specie:			
Silver,			187,575 51
Gold Coin,			440,407 11
" Bullion,			36,274 12
Cents			80 06
Vouchers unadjusted,			681 04
Bills and Checks in transitu,			19,600 01
			3,702,227 80
Due by Directors,		$118,066 14	
Stockholders not Directors,		23,067 09	$141,133 23

of the State of North Carolina, Nov. 24, 1849.

Capital Stock,			1,500,000 00
General profit and loss,			283,522 28
Contingent Fund,			2,201 85
Pension Agent,			3,278 42
Public Treasurer No. Ca.,			89,734 96
Due other Banks:			
O. J. Cammann, Cash.	New York		127 82
Merchants. Bank,	Philadelphia		89 17
Western do	Baltimore		161 95
B'k of Virginia,	Danville		11 06
do do	Norfolk		2,982 06
do Cape Fear,	Wilmington		289 30
Commercial Bank	do		8,714 78
Notes in Circulation Issued.			
By Principal Bank,		149,740	
Br, at Newbern,		131,682	
" Tarboro',		101,529	
" Fayetteville,		215,992	
" Wilmington,		261,158	
" Elizabeth City,		113,488	
" Charlotte,		267,883	
" Milton,		161,252	
" Morganton,		123,015	1,525,739
Dividends unpaid,			1,373
Deposites,			284,002
			3,702,227 80

C. DEWEY, Cashier.

D

Bills Receivable,	165,736 20
Suspended debt,	4,420 65
Bills of Exchange,	68,399 84
do protested,	2,000 00
Real Estate,	6,968 90
Due from other Banks,	82,775 42
Notes of other Banks,	33,460 00
Specie,	42,664 58
	406,431 59

Bank of Newbern, 28 *November*, 1849.

Capital Stock,	225,000 00
Notes in Circulation,	111,772 00
Deposites,	46,008 57
General Profit and Loss.	22,682 02
Dividends Unpaid,	969 00
	406,431 59

W. W. CLARKE, Cashier.

Bills Receivable,	186,163 12
Suspended Debt,	2,834 11
Bills of Exchange,	73,108 89
Real Estate	7,174 80
Due from other Banks,	76,526 77
Notes of other Banks,	75,807 00
Specie,	49,683 10
	471,297 79

Bank of Newbern, 29th May 1850.

Capital Stock,	225,000 00
Notes in Circulation,	134,549 00
Deposites,	81,160 66
General Profit and Loss,	24,176 11
Dividends unpaid,	1,487 00
Due to other Banks,	4,925 02
	471,297 79

W. W. CLARKE, Cashier.

Notes discounted,	146,092 81
Suspended debt,	625 00
Bills of Exchange,	118,736 30
Due from other Banks:	
Merchant's Bank, New York,	30,763 82
Bank of No. America, Philadelphia,	139 90
Union Bank, Boston,	4,740 10
Merchant's Bank, Baltimore,	595 40
Exchange Bank, Va. Richmond,	454 46
" " Norfolk,	363 94
B'k of Charleston So. Ca.	2,689 28
B'k of Louisiana, N. Orleans,	5,697 09
Br. B'k of C. Fear, Fayetteville.	80 19
Branch B'k of the State Wilmington,	8.054 74
Agency, Union C. H., So. Ca.	21,469 77
Real Estate,	7,882 90
Cash in Specie,	35,022 39
" in Notes and Checks on other Banks,	42,842 03
	425,892 12

of Wilmington, 8th Dec. 1849.

Capital Stock,	182,300 00
Notes in circulation,	197,075 00
Due other Banks:	
Merchants' Bank of Newbern,	240 10
Bank of Fayetteville,	1,922 21
do of Cape Fear,	11,920 89
General profit and loss,	10,500 40
Due Depositors,	21,932 52
	425,892 12

T. SAVAGE, Cashier.

Notes discounted	151,470 16	
Suspended Debt	1,566 19	
Bills of Exchange,	161,304 74	314,341 19
Due from Banks.		
Mechanics' B'k, N. York	1,717 60	
Union Bank, Boston	3,789 34	
B'k No. America, Philadelphia,	7,377 39	
Merch's B'k' Baltimore	1,050 51	
Exchg. " Richmond	2,378 93	
do " Norfolk	714 15	
B'k of Chston. So. Co.	12,978 36	
B'k of Louisiana, N. O.	7,799 04	
		37,805 32
Merch'ts B'k Newbern		4,870 78
Agt. at Marion, So. Ca.		3,110 23
Real Estate		7,882 90
Cash in specie	91,688 82	
Notes of other Banks,	17,614 89	
		109,303 71
		477,214 03

Wilmington, June 8, 1850,

Capital Stock		182,300
Notes in circulation		225,747
Due other Banks, viz.		
B'k of Cape Fear	13,323 32	
Br. B'k State, Wilmington	101 65	
B'k of Fayetteville	2,699 73	
		16,124 60
General Profit and Loss		12,632 32
Due depositors		40,410 10
		477,214 03

E T. SAVAGE. Cashier.

Bills and notes discounted,	116,382 99
Bills of Exchange,	58,696 21
Bank of New York,	322 30
Philadelphia Bank,	417 21
Commercial Bank of Wilmington,	1222 21
Bank Expenses,	1756 02
Salary Acct.,	1016 65
Cash in notes this B'k,	34670
Banks of No. Ca.,	16024
Do So. Ca. and Va.	8713
Specie,	19558 76
	258,799 35

ville 3d December, 1849.

Capital Stock,	101,130
Bank note acct.	130,500
Deposite,	24,425 99
Dividend rcd.,	1818 53
Profit and Loss,	904 83
	258,799 35

W. G. BROADFOOT. Cashier.

State of the Bank of

Bills and Notes discounted,		254,176 79
Bills of Exchange,		48,475 13
Philadelphia Bank,		10,228 71
Bank of New York,		25,729 13
Commercial Bank Wilmington,		1,082 00
Bank Expenses,		3,146 55
Salary Account,		1,641 65
Cash in Notes B'k of Fayetteville,		40,559 00
Banks of N. C. and Checks,		42,963 75
Do. So. Ca. and Va.,		5,174 00
Specie,		41,275 91
		474,452 82
Bank Note Account.	250,000	
On hand,	40,559	
Circulation,	209,441	

Fayetteville, 27th May, 1850.

Capital Stock,	188,200 00
Bank Note Account,	250,000 00
Deposits,	24,502 64
Discount rec'd,	8,152 81
Profit and Loss,	3,597 37
	474,452 82

W. G. BROADFOOT, *Cashier.*

LITERARY FUND.

RECAPITULATION.

Rec'd Dividends.			
B'k of the State of N. C.,	1849	$41,472 75	
Do Do	1850	41,472 75	
Bank Cape Fear,	1849	31,932 00	
Do Do	1850	34,593 00	
			149,470 50
Entries of Vacant Land,	1849	6,782 80	
Do Do	1850	3,945 07	
			10,727 87
Interest on R. & G. R. R. bonds,	1849	9,153 00	
Do Do	1850	8,958 00	
Interest on W. & R. R. bonds,	1849	8,100 00	
Do Do	1850	8,208 75	
			34419 75
Roanoke Navigation Comp'ny,	1849	1,750 00	
Do Do	1850	2,125 00	
			3,875 00
Cape Fear Nav. Co 'p'ny,	1849	1,300 00	
Do Do	1850	1,300 00	
			2,600 00
Support of Deaf & Dumb School,	1849	375 00	
Do Do	1850	433 80	
			808 80
Tavern Tax,	1849	3,117 04	
Do	1850	3,541 92	
			6,658 96
Auction Tax,	1849	673 29	
Do	1850	468 54	
			1,141 83
Int. on bond of W. F. College,	1849	612 40	
Do Do	1850	600 00	
			1,212 40
Int. on bond of Floral College,	1849	120 00	
Do Do	1850	180 00	
			300 00
Int. on bond of Greensboro' Female College	1850		420 00
Swamp Lands, amount refunded,	1850		54 57
			211,689 63

RECAPITULATION.

Public Fund.

Rece'd for Public Taxes for	1849	$113,296 58	
Do Do	1850	141,609 76	
			254,909 34
" State Bonds,	1849		200,000 00
" Fay. & W. Pl'k R. bonds,	1849	24,500 00	
Do Do	1850	26,000 00	
			50,500 00
" B'k Loans, B'k C. Fear,	1849	40,000 00	
Do State B'k No. Ca.	"	21,128 14	
			61,128 14
" B'k Tax B'k of the State,	1849	2,243 25	
Do Do	1850	2,243 25	
" B'k Tax B'k C. Fear,	1849	2,389 00	
Do Do	1850	2,389 00	
			9,264 50
" Int. on W. & Raleigh R. R. bonds,	1849	3,000 00	
do	1850	3,000 00	
			6,000 00
" Cherokee Bonds'	1849	3,168 92	
do	1850	582 00	
			3,750 92
Dividends B'k Stock, B'k C. F.	1849	732 00	
do	1850	793 00	
			1,525 00
Sale of old Offices,	1849		576 87
Alfo. Licenses,	1849	690 00	
do	1850	580 00	
			1,270 00

B'k Tax, Mercks. B'k Newbern	1849	562 50	
do do	1850	562 50	
Commer'l B'k Wilmg'n	1849	455 75	
do	1850	455 75	
			2,036 50
Int, Impt. Fund,	1849		10 00
Bank Fayetteville B'k tax	1850		950 00
" Bunoombe Turnpike,			475 00
" Commissioner Wrecks,			127 16
			$592,523 43

A STATEMENT OF THE REVENUE OF NORTH CAROLINA.

A STATEMENT OF THE NET AMOUNT OF THAT BRANCH OF THE REVENUE WHICH IS RECEIVABLE BY THE SHERIFFS, AND PAID INTO THE PUBLIC TREASURY IN 1850 FOR THE TAXES OF 184[illegible].

Counties.	No.	Sheriffs' Names.	Land Tax. Dolls. Cts.	Town Property Tax. Dolls. Cts.	Poll Tax. Dolls. Cts.	Lunatic Asylum Tax. Dolls. Cts.	Interest Tax. Dolls. Cts.	Dividends & Profits. Dols. Cts.	Salaries & Fees. Dols. Cts.
Alamance	1								
Alexander	2	Reuben Watts	142 [illegible]	6 20	128 03	75 08	14 48		
Anson	3	Calvin Myers	657 [illegible]	19 70	661 57	570 66	185 48		28 [illegible]
Ashe	4	Edwin C. Bartlett	259 [illegible]	10 01	207 74	142 06	11 05		
Beaufort	5	Henry A. Ellison	416 [illegible]	201 33	621 72	345 37	219 49		25 [illegible]
Bertie	6	John Freeman	748 [illegible]	24 22	758 59	424 32	414 91		19 [illegible]
Bladen	7	James Lessesnie	554 [illegible]	5 63	466 99	227 56	36 39		
Buncombe	8	Pierce Roberts	488 [illegible]	50 79	309 82	238 72	91 90		16 [illegible]
Brunswick	9	James H Allen	245 [illegible]	18 26	367 16	173 58	63 91		
Burke	10	M. W. Kincaide	181 [illegible]	37 86	286 51	142 28	265 11		14 [illegible]
Cabarrus	11	M. M. Plunkett	458 [illegible]	22 01	416 42	249 29	525 25		11 [illegible]
Caldwell	12	Lewis L. Hartley	265 [illegible]	15 41	185 56	132 33	89 85		
Camden	13	Enoch P. Daily	312 [illegible]		247 22	156 03	243 88		8 4[illegible]
Carteret	14	George Dill	134 [illegible]	31 40	213 91	104 69	69 20	91 63	
Caswell	15	Franklin A. Willey	637 [illegible]	63 80	810 84	417 31	463 58	178 51	39 4[illegible]
Catawba	16	James Cline	441 97		289 90	204 59	117 23		
Chatham	17	John Harman	662 80	24 33	772 49	403 20	226 40	8 29	19 71
Cherokee	18	Wm. Marr	16 42	5 44	111 11	39 54			
Chowan	19	Thomas S. Hoskins	412 27	65 62	381 26	239 46	777 71	54 96	22 56
Cleveland	20	Joseph Carroll	282 25	1 20	322 44	169 58	58 02		5 04
Columbus	21	Lewis Williamson	164 61	4 91	212 25	105 16	36 59		
Cumberland	22	Alexander Johnson	619 78	286 53	841 68	486 08	487 8	264 10	121 20
Currituck	23								
Craven	24	Saml. W. Chadwick	314 7[illegible]	306 99	671 51	357 62	1583 69	124 36	62 04
Davie	25	Wm. B. March	306 7[illegible]	25 24	305 25	177 23	110 4[illegible]	62 04	8 46
Davidson	26	Jeremiah Adderton	628 8[illegible]	25 38	521 70	328 02	234 87		11 28
Duplin	27	E. E. Hussey	488 1[illegible]	5 56	508 22	301 05	184 57		31 02
Edgecomb	28	Wm. D. Petway	1062 18	45 93	1005 61	587 18	1575 48	9 87	42 30
Forsyth	29	Wm. Flynt	385 69	72 96	287 28	212 99	814 16		19 74
Franklin	30	Washington Harris	464 1[illegible]	32 61	591 26	337 67	708 31	42 30	28 20
Gates	31	Thomas Riddick	313 73	8 48	461 46	207 25	302 78	11 19	5 6[illegible]
Gaston	32	Benjamin Morris	366 27		290 65	184 06	151 89		11 2[illegible]
Granville	33	Joseph H. Gooch	819 51	53 05	1112 02	515 41	1085 10	20 56	42 30
Greene	34	D. A. Sugg	325 79	8 42	361 72	194 53	118 7[illegible]		
[illegible]	35	W. A. W[illegible]	604 85	[illegible]	[illegible]	[illegible]	[illegible]		
Halifax	36	[illegible] W. B[illegible]	884 56	26 56	520 07	507 19	825 10		56 66
Haywood	37	John B. Allison	167 23	5 05	132 73	87 29	55 07		
Henderson	38	T. W. Taylor	339 58	14 55	101 20	155 74	17 89		5 61
Hertford	39	Jno. B. Bridger	352 83	41 19	410 40	223 51	524 52	108 99	14 10
Hyde	40	Thos. R. Gibbs	352 58		304 18	182 68	98 43		
Iredell	41	Jno. A. Roseborough	506 74	20 15	512 57	302 48	335 16		8 46
Jones	42	Wm Pollock	285 74	6 94	311 89	167 50	113 60		2 82
Johnston	43	B. B. Hinnant	459 43	14 35	553 47	283 36	219 34		14 10
Lenoir	44	Rich. W. King	350 91	15 74	452 52	216 82	359 00		
Lincoln	45	J. W. Lowe	344 76	51 16	285 57	193 25	307 69		10 92
Macon	46	E. Dowdle	145 08	7 84	140 62	81 50			
Martin	47	A. S. Moring	340 80	26 67	584 27	208 05	385 00		25 38
McDowell	48	Mil Higgins	285 32	7 73	180 52	134 91	5 36		
Mecklenburg	49	Thos. N. Alexander	569 93	63 94	655 99	376 20	1140 61		53 58
Montgomery	50	A. H. Sanders	215 56	3 59	218 83	120 77	20 03		14 10
Moore	51	A. R. Wadsworth	259 02	6 37	533 14	154 01	89 75	04	16 92
Nash	52	Absolem B. Bains	344 46	5 88	509 10	235 83	406 33	70 50	8 46
New Hanover	53	Owen Fennell	506 80	861 45	836 22	618 58	281 19		183 30
Northampton	54	Henry Spivey	745 43	20 76	727 37	411 39	315 41		25 38
Onslow	55	W. D. Humphreys	300 85	12 40	549 49	185 33	109 22	21 15	
Orange	56	James C. Terrentine	647 88	50 76	649 92	376 99	408 61		59 22
Pasquotank	57	Joshua A. Pool	507 67	69 71	391 98	271 39	313 53	50 62	36 66
Perquimans	58	Willis Bagley	486 12	18 69	387 47	248 94	248 70	53 51	11 28
Person	59	John M. Winstead	593 01	2 58	538 62	256 81	288 37	62 04	11 28
Pitt	60	B. G. Albritton	607 93	28 22	734 33	579 73	709 31		
Randolph	61	Hezekiah Andrews	646 92		408 52	295 93	258 68		11 28
Richmond	62	Wm. Buchanan	404 82	6 03	500 68	251 10	332 28	21 90	16 92
Rockingham	63	S. C. Edwards	538 84	21 63	640 53	531 55	406 95	68 75	22 56
Robeson	64	R. B. Gregory	594 47	5 77	504 97	249 29	56 07		8 46
Rowan	65	Caleb Klutts	513 45	86 71	545 58	323 54	448 41		42 30
Rutherford	66	M. H. Kilpatrick	560 56	46 73	441 42	295 63	181 51	5 99	2 82
Sampson	67	A. H. Chesnut	505 82	10 49	648 36	320 80	100 78		16 92
Stanly	68	M. Kirk	187 27		226 92	115 66	51 32		
Stokes	69	Jno. G. Hill	251 56	6 77	261 88	145 90	119 23		
Surry	70	Henry G. Hampton	526 54	7 83	393 11	271 73	137 37		14 10
Tyrrell	71	Jordan L. Jones	191 00		186 87	165 22	30 69		
Union	72	D. Rushing	341 52	7 53	303 24	187 48	115 56		5 64
Wake	73	Calvin J. Rodgers.	925 09	247 93	1091 90	628 11	1718 56	131 65	121 26
Washington	74	Charles Latham,	246 97	40 28	317 09	150 45	200 30	63 42	25 38
Warren	75	Joseph S. Jones	615 96	47 03	871 76	432 19	1124 67	5 65	33 84
Watauga	76	Michael Cook	136 25		71 82	58 59			
Wayne	77	Allen Coor	704 55	26 45	581 67	367 78	430 47		19 74
Wilkes	78	H. T. Dyer	280 50	11 52	221 84	143 40	41 03		5 64
Yancey	79	Charles Baker	137 79		138 56	82 68	3 72	34 40	
			$32,708 25	3,643 06	34,793 59	19,845 30	21,135 69	1613 70	1522 80
Additional Returns.									
Anson	1	George D. Bogan,	2 01						
do	2	Calvin Myers	16 27		7 14				
Buncombe	3	Pierce Roberts		5 13	25 76	12 70			
Caswell	4	F. A. Willey	3 61						
Cleaveland	5	Joseph Carroll			9 90	5 63			
Caswell	6	John K. Brooks		16 07		4 72			
Forsyth	7	Wm. Flynt	1 93						
Johnston	8	John H. Daniel	1 18		38	63			
Wayne	9	Allen Coor			3 95	1 35			
			32,734 59	3,664 36	35,010 78	19,868 38	25,135 69	1613 70	1522 80

No.	Stud Horse Tax. Dolls. Cts.	Gate Tax. D. C.	Store Tax. Dolls. Cts.	Pedlar Tax. Dolls. Cts.	Tavern Tax. Dolls. Cts.	Artificial Curiosity Tax. Dolls. Cts.	Natural Curiosity Tax. Dolls. Cts.	Billiard Table Tax. D. C.	Line 1 Descent. Dolls. Cts.	Negro Traders' Tax. Dolls. Cts.	Foreign Carriages. Dolls. Cts.	Drovers Tax. Dolls. Cts.
1												
2	15 51	2 82	31 96									
3	30 08		195 52	112 80	24 44					310 20		122 20
4	23 97		50 75	84 60	5 76							
5	13 65	9 40	450 52	108 10	174 84		14 10				28 20	
6	31 62		161 68	56 40	31 96	28 20			178 00			18 80
7			57 60	37 60	7 52	28 20	14 10					9 40
8	73 79		80 84	28 20	18 80	28 20						
9	5 64	4 70	28 20	28 20	59 48		14 10					
10	31 49		77 08		48 88	28 20	14 10					18 80
11	24 44		110 92	28 20	16 92	28 20						18 80
12	26 32		23 20		15 04	28 20						
13	11 28	4 70	129 72		101 52							4 70
14			95 88	56 40	37 60							
15	58 54		53 28				14 10					
16	25 38		58 28	28 20	13 16							
17	56 40		152 28		50 76	28 20						
18	25 38	4 70	62 04	28 20	5 76		14 10					
19			217 14	47 00	37 60							4 70
20	37 60		90 24	28 20	7 52	28 20			44 65			
21	12 22		39 48	28 20	20 68							
22	22 56	18 80	733 20		105 40	28 20	14 10	570 00	36 52		28 20	9 40
23												
24	28 20		537 68	37 00	144 76	42 30	14 10		211 64		94 00	
25	30 08	4 70	63 92		9 40							4 70
26	52 64		86 48	28 20	9 40	28 20						
27	35 72		101 52	141 00	80 84	56 40	14 10					
28	63 45		276 36	56 40	152 28		14 10		83 00			4 70
29	7 52		129 72	13 16	24 44	28 20						
30	19 74		133 48	28 21	47 00	56 40	14 10					9 40
31	13 16		107 16		16 92	28 20						14 10
32	10 34		92 12		16 92	28 20						
33	47 94		282 00	65 80	101 52	56 40	14 10		6 58			47 [illegible]
34	17 86		[illegible]	84 60	52 64	[illegible]					28 20	4 70
35	61 1[illegible]		270 72	28 20	7 52	28 20	14 10					28 20
36	44 18	16 92	223 72	84 60	52 64		14 10					28 20
37	33 84	4 70	28 20	50 76	5 76							
38	44 18		41 56		48 88	28 20						
39	7 52		212 44		26 32	28 20					28 20	9 40
40	14 10		148 52	99 64	56 40							
41	38 07		92 12		7 52		14 10					103 40
42	28 20		20 68	84 60	22 56	56 40	14 10					
43	39 48		97 76	112 80	86 48				46 05			14 10
44	4 70		75 20	112 80	50 70				61 33		28 20	
45	18 53		105 28		50 08	28 20						23 50
46	52 90	4 70	48 88	28 20			14 10					4 70
47	19 74		154 16		86 48	28 20			221 40		56 40	4 70
48	23 03		56 40		78 96	28 20	14 10					37 60
49	51 02		201 16	141 00	61 10	28 20						65 80
50	2 82		82 72	56 40	13 16							23 5[illegible]
51	17 39	14 10	69 56	28 20	31 96							
52	7 52		80 81	47 00	63 92	28 20						
53	15 92	18 80	1065 02	65 80	191 76	56 40	14 10	564 00				4 70
54	34 19	14 10	103 40	56 40	52 64	28 20			39 93			4 70
55	8 46		50 76	37 60	39 48	56 40	14 10					
56	48 41		154 16	112 80	65 80				55 70			28 20
57	11 28		272 60		161 68	28 20						
58	22 56	9 40	120 32		11 28	28 20						14 10
59	29 14		95 88		39 48	28 20	14 10					28 20
60	28 20		161 68	28 20	50 76				2 63		28 20	4 70
61	33 84		141 00	28 20	9 40	28 20						4 70
62	7 52	9 40	48 88	28 20	51 02							14 10
63	10 34	29 68	154 16		60 56		14 10		140 29			79 90
64	18 80		71 74	37 60	11 28	84 60	14 10					9 40
65	31 49		201 16		11 28	56 40	14 10					14 10
66	44 18		163 56		56 40							32 90
67	49 82		73 32	112 80	50 76	28 20						4 70
68	21 62		52 64		26 32							18 80
69	9 40		80 84	47 00	41 36	28 20						4 70
70	31 78		110 92	28 20	48 88							
71			35 72	9 40	9 40							
72	27 26		75 20	56 40	24 56							28 20
73	60 16		384 46	47 00	135 36	112 80	14 10	188 00				28 20
74	14 10		188 00	28 20	39 48							
75	26 32	18 80	157 92	51 52	56 40	28 20	14 10					25 50
76	2 82		28 20	28 20								
77	20 18		137 24	94 00	107 16	28 20						
78	11 7[illegible]		52 64	28 20	5 76	28 20						
79	19 74		30 08	28 20	9 40							
	1,913 30	181 42	10,961 04	2,986 38	3,494 92	1,536 90	366 60	1128 00	1108 19	310 20	319 60	977 60
Add. 5												18 80
Add. 7												18 80
Add. 8			142 88		59 48							28 20
Add. 9				28 20	7 52							9 40
	1,913 30	181 4[illegible]	11,103 92	3,014 58	3,541 92	1,536 90	366 60	1128 00	1108 19	317 20	310 60	1052 80

No.	Penalty for failure to Settle. Dolls. Cts.	Bowling Alleys. D. C.	Amount due by Sheriffs. Dolls. Cts.	Amount paid by Sheriffs. Dolls. Cts.
2			413 76	413 76
3			2698 64	2698 64
4			824 07	824 07
5			2606 40	2606 40
6			2926 28	2926 28
7			1225 25	1225 25
8			1426 79	1426 79
9			989 66	989 66
10			1145 85	1145 85
11			1910 19	1910 19
12			786 12	786 12
13			1219 98	1219 98
14			838 77	838 77
15			2721 74	2721 74
16			1178 71	1178 71
17			2404 89	2401 89
18			510 69	519 69
19			2260 28	2260 28
20			1075 52	1075 52
21			624 13	624 13
22			4480 43	4480 43
24			4480 28	4480 28
25			1109 21	1109 21
26			1954 98	1954 98
27			2038 11	2038 11
28			4778 90	4778 90
29			1995 84	1995 84
30			2912 78	2912 78
31			1460 05	1460 05
32			1151 73	1151 73
33			1300 19	1300 19
34			1328 00	1328 00
35			3457 51	3237 51
36			3664 39	3664 39
37			568 68	568 68
38			891 22	891 22
39			1990 62	1990 62
40			1256 53	1257 53
41			1970 77	1970 77
42			1115 03	1115 03
43			1940 73	1940 73
44			1717 57	1717 57
45			1404 72	1404 72
46			508 52	508 52
47			1941 25	1941 25
48			869 99	869 99
49			3394 50	3394 50
50			769 48	769 48
51			950 46	950 46
52			1808 04	1808 04
53			5285 04	5285 04
54			2582 30	2582 30
55	23 50		1206 72	1206 72
56			2647 45	2647 45
57	70 50		2185 82	2185 82
58			1640 59	1640 59
59			1787 71	1787 71
60			2763 89	2763 89
61			1866 67	1866 67
62			1675 22	1675 22
63			2513 64	2513 64
64			1466 55	1466 55
65			2288 32	2488 32
66			1840 70	1840 70
67			1922 77	1922 77
68			700 55	700 55
69			1040 94	1040 94
70			1559 36	1559 36
71			568 30	568 30
72			1170 54	1170 54
73			5827 63	5827 63
74			1344 57	1344 57
75			5500 86	5500 86
76			325 88	325 88
77			2526 44	2526 44
78			828 48	828 48
79			504 57	504 57
	94 00			
Add. 1			9 75	9 75
Add. 2			59 86	59 86
Add. 3			18 80	18 80
Add. 4			17 20	17 20
Add. 5			39 69	39 69
Add. 6			210 56	210 56
Add. 7			2 93	2 93
Add. 8			14 00	14 00
Add. 9			37 60	37 60
	94 00			$145,150 93
Deduct Tavern Tax belonging to the Literary Fund,				3,541 92
Amount of Public Tax 1849.				$141,609 01

The foregoing statement is founded in Vouchers on file in Comptroller's Office,

A STATEMENT *of the Revenue which is derived from Sales at Auction, and from the Banks of the State, for Tax on stock at one fourth per cent. on each share held by individuals for the Fiscal year ending November 1, 1850.*

Names of Auct'n'rs.	Counties and years.	Am't. due.	Am't. paid.
Levi A. Blankinship	Gran[illegible]ille 1849 & 50	12 85	12 85
A. M. Campbell	Cum[illegible]land "	46 66	41 65
S. W. Tillinghast	"	47 32	47 32
E. W. Wilkings	"	12 34	12 34
A. B. Stith	Wa[illegible] "	25 96	25 96
Michael Cronly	New [illegible]anover "	49 48	
Jon. H. Rathwell	"	3 63	
S. M. West	"	126 95	
Enoch Ward	Rob[illegible] "	72	
Wm. H. Piver	Cart[illegible] "	4 10	
Joseph S. Fowler	Crav[illegible] "	19 36	19 36
Henry J. Green	"	9 09	9 57
William Dunn	"	133 61	
do do.	1848-'49	120 71	120 71
S. M. West	New [illegible]anover "	98 01	98 01
Talcott Burr	"	70 25	70 25
			$465 54

Revenue derived from Tax on Bank Stock held by Individuals.

Banks.	Individual shares	Am't. due.	Am't. paid.
Merch's' Bank	New[illegible] 2250	562 50	562 50
Commercial Bank	Wilm[illegible]ngton 1823	455 75	455 75
Bank of the State	8973	2243 25	2243 25
Bank of Cape Fear	9556	2389 00	2389 00
Bank of Fayetteville	7600 at [illegible] $50 pr share	950 00	950 00
		$6,600 50	$6,600 50

LITERARY FUND.

RECAPITULATION OF DISBURSEMENTS.

Common Schools	$107,330,00
Expenses Literary Bd. & p[illegible]	834 01
Deaf and Dumb Asylum,	4,063 19
Swamp Lands,	70 75
Caldwell and Ashe Turnpike Road,	519 33
	[illegible]

Recapitulation of Receipts [illegible]

Entries of vacant Land,	3,255 07
Tavern Tax Recd. from Sheriffs	3,541 92
Bank dividends, Bank Cape Fear,	34,593 00
" " " " State,	41,472 75
Roanoke Navigation dividends,	2,125 00
Greensboro' Female College, (Interest,)	420 00
Cape Fear Navigation Company,	1,300 00
Interest on Raleigh & Gaston R. R. Bonds,	8,958 00
Auction Tax,	468 54
Interest on Wilmington & Raleigh R. R. Bonds,	8,208 75
Am't. paid by Counties for Deaf and Dumb,	433 80
Interest Recd. Floral College,	180 00
Interest do Wake Forest College,	600 00
Swamp Lands, (Am't. expenses Returned,)	54 57
	$106,301 40
Add Balance 1 Nov. 1849.	124,707 56
	$231,008 96
Deduct Disbursements	112,816 28
Balance on hand 1 Nov. 1850.	$118,192 68

PUBLIC FUND.

Recapitulation of Receipts Pub. Fund.

Fayetteville and Western Plank Road Bonds,	26,000 00
Internal Impt. Fund Bank dividends Cape Fear,	728 00
" " " Cherokee Bonds,	582 00
Bank dividend Bank Cape Fear unappropriated,	65 00
Interest on Wilmington & Ral. R. R. Bonds,	3000 00
Public Tax Received from Sheriffs,	141,610 02
Wm. W. March, addl. Returns Pub Tax	75
Attorneys' Licens,	580 00
Bank Tax, Bank of the State,	2,243 25
" " " Wilmington,	455 75
" " " Cape Fear,	2,389 00
" " " Fayetteville,	950 00
" " " Merchants' Newbern,	562 50
Buncombe Turnpike Co. Dividend,	475 00
Commissioners of Wrecks, (Carteret County,)	127 16
	179,768 43
Add Balance on hand 1 Nov. 1849,	39,238 04
	219,006 47

Recapitulation Disbursements Public Fund.

Principal on Raleigh & Gaston Rail Road Bonds,	33,000 00
Interest do do	37,654 00
Judiciary,	30,548 25
Cape Fear & Deep River Navigation Company,	20,000 00
Principal on State Loan,	21,148 00
Interest do do	4,569 02
Internal Improvement Fund,	47 50
Weights and Measures,	50 08
State Librarian,	450 00
Post Office,	255 39
Public Printing,	842 23
Pensioners,	330 00
State Capitol.	52 80
Salisbury & Western Turnpike Road,	7,075 00
Interest on State Bonds	12,077 19
Fayetteville & Western Plank Road Co. (stock,)	40,000 00
Interest on Fayetteville & Western Plank Road Bonds,	1,344 78
Executive Department,	2,300 00
Treasury do	2,000 00
State do	800 00
Comptroller's do	1000 00
Adjutants Genl's. do	200 00
Superintendant Public Buildings,	260 00
Governor's House,	175 75
Stationery,	317 73
State Library,	148 15
Council of State,	169 20
Lunatic Asylum,	6,567 63
Senatorial Elections,	245 40
Sheriffs for settling Tax,	1313 40
Governor's Election	1212 00
Contingences,	1219 81
	228,173 24
Deduct Am't. Receipts	219,006 47
Balance due Pub Treas. 1 Nov. 1850.	$9,166 77

W. F. COLLINS, Comptroller, P. A.